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

DRAFT

**PLANNING COMMISSION MINUTES OF OCTOBER 23, 2018**

**Meeting** brought to order, followed by the Pledge of Allegiance to the flag at 7:30 p.m., on Tuesday, October 23, 2018 by Chairman Brian Horwith

**Attendance:**

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| Chairman Brian Horwith | Richard Semmel |
| Vice Chairman Bruce Stettler | Robert Korp |
| Secretary Leonard Nuss | John Barto |
| Attorney Lisa Young | Jeff Johnson |
| Township Engineer Bernie Telatovich | Planning Clerk Jane Kelly |

Also in attendance was the Township Zoning Officer Jim Campana.

**Minutes** of the September 25, 2018 meeting were approved as presented. Motion made by John Barto, seconded by Jeff Johnson, all others agreed.

1. **Net Zero Building**- Preliminary/Final, NWT-607083, PIN 5469 4154 2165, 4250 Independence Dr., LI/B Zone, 15,111 Bldg sq ft, 4.157 Acres, Waivers: 3.02.A.1, 5.02, 5.02.A.1, 6.02.A.2, B-6, F.04.E, F.04.F, 90-Day Deadline starts 9/25/18, 90-Deadline 12/23/18. The plan was presented by John Costlow; CEO Sustainable Energy Fund, Andrew Schuster; Architect Ashley McGraw Archtitects, and Adam Smith; Engineer Barry Isett & Associates.

a. Benchmark Engineers have reviewed the plan and offered their comments and recommendations in a letter dated October 19, 2018.
b. Zoning Officer's review is contained in his letter dated October 18, 2018.
c. Sewage Enforcement Officer's review is contained in his letter dated October 2, 2018.
d. Sustainable Energy Fund is a 501(c) (3) nonprofit located in the Lehigh Valley that assists energy users in overcoming financial, educational and regulatory barriers to a sustainable energy future. Sustainable Energy Fund does this by providing and/or facilitating commercial loans, nonprofit energy savings agreements, and power purchase agreements.
e. The current headquarters for Sustainable Energy Fund is at 4110 Independence Dr, but will be moving to the proposed building at 4250 Independence Dr. There will also be 4 other tenant spaces available.
f. The proposed building will be an energy efficient building and will only consume 20% of the energy a normal building would consume.
g. The proposed building will have a solar thermal system and 80% of the roof will be solar panels.
h. The lot is a very long narrow lot, causing the front of the building to be designed to face the north so the solar panels could face the south on the back of the roof.
i. To the south of the building is a detention pond for the roof runoff. This water will be piped to an outlet to the detention pond on the CLIU lot. An easement between the two property owners is currently being discussed regarding this arrangement.
j. The proposed detention pond will be maintained and mowed by the property owner.
k. There were several discussions on fencing around the detention pond. The Planning Commission members are split on this issue.
l. **Planning Commission member Richard Semmel** suggested maybe additional landscaping around the fencing to disguise the fence would be a solution.
m. **Planning Commission Vice Chairman Bruce Stettler** questioned the developer's engineer as to why there was no fence proposed around the detention pond? Mr. Smith stated 1) the pond did not meet the requirements for a fence 2) the cost and 3) the depth of the pond would only be 5" after rain due to the drains.
n. There is also a rain garden proposed to the south of the building, bordered with landscaping. All the landscaping will be native plants to the area.
o. The proposed project has received Zoning Hearing Board approval for the length of the parking aisle and also added a turnaround for emergency services.
p. The developer will provide a letter from the fire chief stating the approval over the long parking aisle for emergency access.
q. The Planning Commission members were not with sidewalks at this location due to the other properties along Independence Drive also not having sidewalks.
r. **Planning Commission member Jeff Johnson** requested a commercial Knox Box be installed to cover all the tenants at this location.
s. **Gene Wolfgang, Zoning Hearing Board Member**, stated he was not at the recent Zoning Hearing Board meeting and he questioned the number of tenants proposed for this building, was the Zoning Hearing Board aware of this? The applicant stated, yes they were.

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 October 19, 2018.
2. Developer shall address the Zoning Officer's comments as set forth in his review letter dated October 18, 2018.
3. Developer shall address the Sewage Enforcement Officer's comments as set forth in his review letter dated October 2, 2018.
4. The Township Zoning Officer requested the number of consecutive parking spaces be decreased to align with the Township Ordinance, the developer will comply with this request.
5. PCSM Plans shall be added to the recorded plan.
6. The Zoning Hearing Board Case # and date shall be added to the recorded plans.
7. **Township Engineer Bernie Telatovich** will research the fencing requirements regarding detention ponds and report back to the Planning Commission and the Board of Supervisors.

John Barto motioned to send an unfavorable recommendation to the Board of Supervisors for the waiver request for Preliminary/Final, send a favorable recommendation to the Board of Supervisors for the waiver requests for the Basin slope reduction to 3:1 for side slopes and send a favorable recommendation to the Board of Supervisors for the waiver requests for the Basin floor to have no minimum slope, also added to the motion showing the topography of all neighboring properties and to Table the plan. There was no second on the motion, the motion died.

Leonard Nuss motioned to send favorable recommendation to the Board of Supervisors for the waiver request for Preliminary/Final, send a favorable recommendation to the Board of Supervisors for the waiver requests for the Basin floor to have no minimum slope and send a favorable recommendation to the Board of Supervisors for the waiver requests for the Basin slope reduction to 3:1 for side slopes, but added the detention pond must include fencing. Richard Semmel second the motion**, a vote was taken, there were 3 yes, 3 no and 1 abstained due to working for the engineering firm representing the plan. The tie vote was a result of the fencing issue**, see below:

**Township Engineer Bernie Telatovich** was asked to research the fencing requirements regarding detention ponds; his conclusion outlined in his email of October 24, 2018 (copy attached) is that the SALDO Section 5.03 Subsection K.6 and Appendix F requires fencing, noting further that the waiver to reduce the Basin slope to 3:1 eliminates the possibility of a landscaping provision in lieu, as that alternative requires no less than a 4:1 slope.

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

**Planning Commission member Leonard Nuss**, questioned the progress of the district changes sent to the Board of Supervisors. The Chairman noted the Township Manager was asked to provide an update. Given his absence from this meeting, the Chairman will follow up with the Township Manager.
**Planning Commission members Leonard Nuss and Richard Semmel** strongly suggest curbs and sidewalks need to start being installed in new developments.

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Jeff Johnson motioned to adjourn, Richard Semmel seconded, all others agreed

Meeting Adjourned: 9:15pm.
Jane K. Kelly
Recording Secretary
Planning Secretary
North Whitehall Township