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

PLANNING COMMISSION MINUTES OF AUGUST 28, 2018

Meeting brought to order, followed by the Pledge of Allegiance to the flag at 7:30 p.m., on Tuesday, August 28, 2018 by Chairman Brian Horwith

Attendance:

Chairman Brian Horwith
Vice Chairman Bruce Stettler
Secretary Leonard Nuss
Attorney Lisa Young
Township Engineer Bernie Telatovich
Supervisor Dennis Klusaritz
Richard Semmel
Robert Korp
Rich Celmer
Jeff Johnson
Jeff Bartlett Acting Secretary

Also in attendance were Township Zoning Officer Jim Campana

Minutes of the, July 24, 2018 meeting were approved as presented.

1. **Dennis & Laurie Atiyeh** – Minor Subdivision, NWT-607087, PIN 5560 5903 8411, 5828 Park Valley Rd, AR Zone, 44.9682 NWT Acres, 90.17 Total Acres, 90-Day Deadline starts 6/26/18, 90-Deadline 9/23/18.

- Attending the meeting were Dennis Atiyeh, Attorney Everett Cook, Engineer Edward Schlaner
- Discussion involving the plan covenant. Developer suggested only affecting lot #9 involved debate over conditions of approval from the original subdivision. Atiyeh claimed being under duress when original plan was signed. He disagreed that the covenant affects the other property owners. Atiyeh referenced Toll Brothers interest in developing the property. Reference was made to Act 319 and having multiple homes on the property. Bartlett suggested subdividing without accessing cul de sac. It was objected by PC members that it would still be violating the previous plan covenant.
- Dennis Klusaritz questioned the similarity to Colleen Drive situation and roadway being extended. Attorney Young responded that this plan had a covenant and the Colleen Drive plan suggested the roadway may be extended. Not a covenant provision.
- Commission members commented that no new information has been presented to change their opinion made at the last meeting.
- Bartlett suggested just utilizing the second home, a legal non-conforming use, on the property without subdividing it. Attorney Cook commented that Atiyeh is currently being taxed on a second home on the property and wants to reduce that tax burden.
- Rich Celmer noted many times these situations end in court.
- Rich Semmel questioned whether they have looked at other plan requirements and have they considered the driveway.
- Leonard Nuss also noted the incomplete plan and the driveway was problematic, also they should explore other driveway.
- Brian Horwith noted the plan still remains an incomplete submission.
- Lehigh Valley Planning Commission letter discouraged use of a flag lot.
- Leonard Nuss motioned to take no action on the plan, Richard Semmel seconded. It was stated that the plan could be moved to the Board of Supervisors for their action without any Planning Commission recommendation.

2. **Isabella Darcy Lot Line** – Lot Line Adjustment, NWT-607090, PIN 5570 6421 3180, 4968 Oakland Rd, AR Zone, 4.0932 Acres, 90-Day Deadline starts 8/28/18, 90-Deadline 11/25/18.
Present were Applicant Isabella Darcy and her Engineer Robert Hoppes

a. Benchmark Engineers have reviewed the plan and offered their comments and recommendations in a letter dated August 17, 2018.
b. Zoning Officer's review is contained in his letter dated August 20, 2018.
c. Sewage Enforcement Officer's review is contained in his letter dated August 16, 2018.

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 August 17, 2018.
2. Developer shall address the Zoning Officer's comments as set forth in his review letter dated August 20, 2018.
3. Developer shall address the Sewage Enforcement Officer's comments as set forth in his review letter dated August 16, 2018.
4. Discussion ensued regarding dedicating the ultimate Right of Way. The applicant agreed and Hoppes stated he would place that on the plan. Other minor drafted items were noted by Township engineer and Hoppes agreed to address them.
5. A motion to approve the plan was made by Semmel, second by Nuss. All in favor.

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

Joanne Faust, of Briarwood Drive raised the issue of a detention basin by her house that was overgrown. The Planning Commission is not the forum for this discussion however it was discussed. She was notified that she could take this matter to the Board of Supervisors. Leonard Nuss is the owner of the basin and he addressed the issue. Due to the high water and constant rain, regular maintenance could not be finished until it dried out. It was suggested by Dennis Klusaritz that the Township inspect all basins in the Township several times a year. It was noted that legal agreements would be required to go onto private property for these inspections and the question was raised as to who would do them and who would pay for it.

Discussion ensued regarding the status of rezoning issue. It was noted that a colorized map is being finalized for the LVPC review. That would be the last review prior to the matter going before the BOS. It was noted that the proposed action to rezone the area of Mauch Chunk Road and Cedar Crest was not acted upon by the BOS. The manager was requested to have the staff prepare a map from the minutes of the previous rezoning discussion. Bob Korp will bring assumptions for use in zoning changes. It was requested by Dennis Klusaritz a response be direct to Marlene Steffy's letter regarding rezoning request. Rich Semmel noted maintenance issues Parkland Hollow three lot subdivision.

Jeff Johnson motioned to adjourn, Brian Horwith seconded, all others agreed

Meeting Adjourned: 9:20pm

North Whitehall Township