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

PLANNING COMMISSION MINUTES OF DECEMBER 27, 2022

Meeting brought to order, followed by the Pledge of Allegiance to the flag at 7:30 p.m., on Tuesday, December 27, 2022 by Chairman Brian Horwith

Attendance:

Supervisor Al Geosits
Township Manager Randy Cope
Township Zoning Officer Jeff Mouer
Township Engineer Steve Gitch
Township Solicitor Tom Dinkelacker
Chairman Brian Horwith
Vice Chairman Robert Korp
Leonard Nuss
John Barto
Jeff Johnson
Richard Semmel
Richard Fuller
Bruce Stettler

Minutes of the November 22, 2022 meeting were approved. Motion made by Jeff Johnson, seconded by Richard Fuller, all others agreed.

1. Laudenslager Annexation Special Exception - NWT-22-025, 5468 6569 8545 & 5468 6578 4941, 3545 Route 309 & 3551 Route 309, PC Zone, 0.9554 Acres, Expansion of nonconforming use. The Special Exception was presented by property owner's Authorized Representative Robert Hain with Attorney Karley Biggs Sebia present.

a. **Planning Commission Chairman Brian Horwith** clarified that this presentation is for the Special Exception only and there should be no comment about a Variance that is needed for final approval. The Variance will be addressed by the Zoning Hearing Board.
b. Township Zoning Officer Jeff Mouer offered a brief synopsis of the Special Exception since this same plan was before the Planning Commission as a Sketch Plan for a lot consolidation at an earlier meeting.
c. Originally, there was a single-family dwelling and a detached garage located at 3551 Route 309. The house was razed in March 2021 and the garage remained. Currently, the area where the house was located is being used as a parking area for the business's vehicles.
d. A Notice of Violation was issued to this property/owner since this expansion was completed with no approvals.
e. In 1973 and 1990, a Special Exception approval was given by the Zoning Hearing Board to 3545 Route 309 to expand the non-conforming use on the property.
f. Based on a prior approval for Special Exception to expand a non-conformity, this Special Exception is presented due the fact that the Zoning Ordinance Section 440-82.F.2 states "A special exception approval is required for an expansion of a non-residential" non-forming lot and the previous approvals force the Applicant into another Special Exception approval.
g. Zoning Officer determined that the consolidation would be an expansion of the non-conformity.
h. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated December 20, 2022.
i. Zoning Officers have reviewed the plan and offered comments in a letter dated December 20, 2022.
j. Developer's Engineer Robert Hain reviewed the letters provided from the Keystone Engineers and the Township Zoning Officer.
k. Township Supervisor Alfred Geosits stated that he felt the driveway to 3551 Route 309 should be removed at the Right of way line from PA Dot line inward. Planning Commission Chairman Brian Horwith agreed with Supervisor Geosits, after which a brief discussion amongst the Commission members ensued. Engineer Hain will discuss this option with the property owner. No further comment from the Commission about this subject.
l. Township Resident, Daniel Fritzinger, 5010 Spruce Street Schnecksville, PA 18078 questioned the use of the new lot. Engineer Hain explained that the lot will be used to park the business vehicles in the area where the house was located. Engineer Hain stated that there will be no expansion of any building into this lot.
m. Township Supervisor Alfred Geosits asked when the house was razed. The owner was not sure of the exact date. Zoning Officer stated that the permit was obtained in March 2021 and was completed shortly after that.
n. **Planning Commission Member Richard Semmel** made a motion for a favorable recommendation for the Special Exception with a condition to eliminate the driveway from 3551 Route 309 from the PA DOT Right of way toward the interior of the property. Prior to a second to the motion, **Township Solicitor Tom Dinkelacker** suggested that this condition should be added when this plan returns from the Zoning Hearing Board to the Planning Commission. Mr. Semmel rephrased his motion.

Planning Commission Member Richard Semmel made a motion for sending the Board of Supervisors a favorable recommendation for the Special Exception, Planning Commission Member Leonard Nuss second the motion and all were in favor, no objections

2. East Penn Self Storage Land Development - NWT-21-031, Land Development, Corner of Old Post Rd & Levans Rd, C Zone, 3.86 Acres, 1 lot, Waiver request to be considered a preliminary/final. The preliminary/final plan was presented by the Authorized Representative, Paul Szewczak of Benchmark Engineering Services Inc.

a. **Developer's Engineer Paul Szewczak** provided an overall synopsis of this project and the fact that this plan was in front of the Planning Commission as a Sketch Plan, which was further revised for this meeting.
b. **Planning Commission Member John Barto** asked if this is proposed to be a limited access facility and what the times of access was are anticipated. Developer's Engineer Paul Szewczak stated that in fact this is a limited access facility with access by the customer from approximately 6:00 a.m. to 9:00 p.m. This facility will not be a 24-hour access site.
c. **Planning Commission Chairman Brian Horwith** asked if there are any trash receptacles at this location. Developer's Engineer Paul Szewczak stated there is no dumpster or trash receptacles. The Owner will be on site everyday and will watch for any litter and trash.
d. **Planning Commission Member Richard Semmel** questioned the number of units at this facility. Developer's Engineer Paul Szewczak stated that these buildings are modular in style and can be made into as many units necessary as the demand is needed. There is one roll up door per 10 to 12 feet.
e. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated December 20, 2022.
f. Zoning Officers have reviewed the plan and offered comments in a letter dated December 20, 2022.
g. **Developer's Engineer Paul Szewczak** reviewed the letters provided from the Keystone Engineers and Zoning Officer.
h. **Developer's Engineer Paul Szewczak** stated he requested a "waiver" from preliminary/final to final is requested.
i. **Developer's Engineer Paul Szewczak** requested a "fee in lieu" of the traffic study due to the low volume of traffic that this facility will generate. He stated this site is expected to produce approx. 10-12 vehicles per day at maximum. No further discussion.
j. **Planning Commission Chairman Brian Horwith** questioned the number of gates throughout the perimeter fencing. Developer's Engineer Paul Szewczak stated that gates will be installed to be complaint with the Zoning Ordinance. Also, any Knox boxes that are required will be installed.
k. **Planning Commission Vice Chairman Robert Korp** believed that the walkway that was proposed along Old Post Road should be 6 feet wide instead of 5 foot wide to maintain "walk ability". Also, that there should be some type of opaque screening on the fencing on the Eastern side of the property to prevent any headlights to shine onto other household properties. Developer's Engineer did not object to this.
l. **Planning Commission Member Jeff Johnson** stated that if this walking path is 6 feet, it will run into the guard rail. There was no further discussion other than the Engineer will make it accessible the best as possible.
m. **Township Supervisor Alfred Geosits** requested to have that walkway continue past the property line onto Kornfield's Market parking lot. Chairman Brian Horwith reinforced that this on another property and permission is needed. Supervisor Al Geosits stated he will talk with Mr. Kornfeind to get permission. Developer's Engineer Paul Szewczak stated that they will extend the walkway to the parking lot if there is no cost of obtaining the property. They will provide the construction to finish it to there if permitted.
n. **Township Supervisor Alfred Geosits** questioned if there will be an engineered design of the wall systems on the property. Developer's Engineer Paul Szewczak stated that this design will be provided at time of construction/permits.
o. **Township Manager Randy Cope** inquired about the required "Recreation Fee". Township Engineer and Manager will work on providing this fee amount prior to final approvals. Developer's Engineer Paul Szewczak stated that they understand that it is required and will pay whatever the required fee is.
p. **Township Resident, Brooke Horwith, 3936 Mauch Chunk Road, Coplay, PA 18037** asked if the lot that this project is proposed on has been officially recorded as a subdivision. As of April 2022, the lot was not recorded. Zoning Officer provided information that the Lehigh County Assessment page shows that it is subdivided with the proper owners listed.
q. **Township Solicitor Tom Dinkelacker** stated that he did not see the current set of plans which contain the large swale that was in some of the discussions. Before the meeting a complete set from July 2022 was given to him by the Zoning Officer and he will review same to make sure that this swale is noted on the plan.
r. **Township Solicitor Tom Dinkelacker** provided verbiage to be written as conditions in a resolution prior to final approval for this project. Resolution will be provided for review.

Planning Commission Member John Barto made a motion for a favorable recommendation, as outlined by the Township Solicitor, both granting the waiver and recommending the plans as drafted to be considered as preliminary/ final, subject to the conditions of the Township Engineer, Zoning Officer and Township Solicitor, Planning Commission Member Richard Fuller second the motion and all was in favor, no objections.

3. Township Manager Randy Cope addressed the Planning Commission requesting discussion on possibly starting the Planning Commission meetings at a different time in 2023.

a. After several comments made by different Planning Commission members, a suggestion was to start future meetings at 7:00 p.m. This start time will be consistent with other Boards in the Township.

b. **Planning Commission Chairman Brian Horwith** polled the Planning Commission Members and all agreed to start at 7:00 p.m. for the year of 2023.

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

4. Planning Commission Member Richard Semmel asked about the status of the proposed "Park & Recreation" Fees for 2023.

a. Township Manager Randy Cope reported that the fees are still under consideration. The 2023 Fee Schedule references the ordinance for the Recreation Impact Fee and does not discuss any specific amount. However, once approved, the updated ordinance fee will be enacted.

5. Township Supervisor Alfred Geosits along with Planning Commission Chairman Brian Horwith initiated a discussion on the status of the Zoning Ordinance "re-write".

a. After some discussion amongst Planning Commission Members, Zoning Officer informed the Commission that a committee will be formed consisting of 5-7 members. A "kick-off" meeting will be scheduled in the near future which will outline the procedure of the "re-write" and the responsibility of the Committee. There are anticipated to meet 4-6 times and the Committee will be coming back to the Planning Commission for input. The goal is to have this ready for final approval in January 2024 or before.

b. Zoning Officer reported that there is a phone meeting next week with Judith Goldstein of Gilmore and Associates to finalize pre-planning and execute the contract with them. Zoning Officer promised to update the Planning Commission on the progress over the next few weeks.

c. Lastly, the Township Zoning Officer Jeff Mouer noted that the Comprehensive Plan should be approved prior to the Zoning Ordinance and the SALDO update shall take place right after the Zoning Ordinance update.

Planning Commission Chairman Brian Horwith adjourned the meeting at 9:15PM.

Meeting Adjourned: 9:15PM
Jeff Mouer
Zoning Officer
North Whitehall Township