NORTH WHITEHALL TOWNSHIP PLANNING COMMISSION
TEMPORARY MEETING LOCATION, SCHNECKSVILLE FIRE COMPANY BANQUET HALL
4550 OLD PACKHOUSE RD, SCHNECKSVILLE PA 18078

PLANNING COMMISSION MINUTES OF JULY 23, 2024

Meeting brought to order, followed by the Pledge of Allegiance to the flag and a moment of silence at 7:00 p.m., on Tuesday, July 23, 2024, by Chairman Brian Horwith

Attendance:

Supervisor Al Geosits	Chairman Brian Horwith
Township Manager Randy Cope	Vice Chairman Robert Korp
Township Director of Operations Jeff Mouer	Secretary Richard Semmel
Township Zoning Officer Aubrie Miller	Bruce Stettler
Township Engineer Steve Gitch	Jeff Johnson
Township Solicitor Tom Dinkelacker	Richard Fuller
Township Planning Administrator Jane Kelly	Kathy Crawford

Minutes of the May 28, 2024, meeting were approved. Motion made by Jeff Johnson, seconded by Brian Horwith, all others agreed.

1. **Ridings at Parkland Phase 2-** Major Subdivision, NWT-19-025, Preliminary/Final, Parcel 5469 3882 4215, 5147 Spruce Street, SR Zone, 23.900 Acres. The plan was presented by Developer Phil Malitsch and Engineer David Wilson.

Waiver request from:

- **SALDO Appendix F.04.F.** The maximum inside slope of earth detention basin embankments shall be five horizontal to one vertical. The maximum outside slope shall be five to one. The Supervisors may permit a reduction of inside and outside slope to a three to one maximum where the applicant proves that such slopes will be able to be properly and attractively maintained.
  The applicant is requesting a waiver from this section in order to allow 3 horizontal to 1 vertical interior and exterior side slopes. 3:1 interior and exterior slopes are generally standard and can be readily maintained with lawn mowing, etc. (This is specifically for Infiltration Basin 2).

a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated July 16, 2024.
b. Zoning Officer's review is contained in his letter dated July 15, 2024.
c. **Township Solicitor Tom Dinkelacker** stated this plan was in front of the Planning Commission tonight to address the single additional waiver request.
d. **Planning Commission Chairman Brian Horwith** questioned why the developer was requesting this waiver? **Developer Phil Malitsch** stated an above ground basin was better and cheaper than a below ground basin.
e. Planning Commission member Kathy Crawford questioned if the HOA would be the same as in phase 1, Kathy also questioned who would be responsible for the sidewalks, pathway and drainage areas? Developer Phil Malitsch stated phase 2 is slated to have their own HOA currently, the sidewalks would be the resident's responsibility and the pathway and drainage areas would be the HOA responsibility. A question was asked if it would be better to have one HOA, **Township Solicitor Tom Dinkelacker** stated that it probably would be better if there was one HOA.
f. **Planning Commission member Bruce Stettler** stated he agrees with one HOA for both phases, and he prefers an at grade detention basin.
g. **Planning Commission Secretary Richard Semmel** stated he is not a fan of HOA's.
h. **Planning Commission Chairman Brian Horwith** suggested the Township should have a draft of the HOA agreement for review and approval by the Board of Supervisors, including the proposed oversight of the finances, including, but not limited to, annual contribution per homeowner, amount of cash reserves and the administration/oversight of the finances, along with who and how non-payments will be dealt with. The challenge to HOA's is that without firm governance, a weakened or non-functioning HOA becomes a potential future liability to the Township and the Township residents who are not in the subject subdivision. Brian also questioned the Planning Module comment from Keystone Engineer's prior review letter? **Township Solicitor Tom Dinkelacker** stated the HOA agreement will be reviewed by the Township but not the finances. **Developer Phil Malitsch** stated the Planning Module has been sent to DEP for review and approval.
i. **Developer Phil Malitsch** also stated their NPDES permit is moving along.

Richard Semmel motioned to send a favorable recommendation to the Board of Supervisors, Sean Ziller second the motion, vote was taken and the Planning Commission voted unanimously to recommend the approval of the Developer's request for a waiver from SALDO Appendix F.04.F, which requires maximum inside and outside basin slopes of 5:1; so as to provide for 3:1 inside and outside slopes for Basin 2. This action supplements the recommendation set forth in the Planning Commission decision letter, dated April 30, 2024.

2. **3948 Portland Street Land Development** – NWT-240-23-006, Preliminary/Final, Parcel 5479 8461 9922, 3948 Portland Street, ME/I Zone, 4.07 Acres, Waiver request Preliminary/Final plan. The plan was presented by Developer Dano Guerrieri and Engineer Andrew Woods.

a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated July 16, 2024.
b. Zoning Officer's review is contained in his letter dated July 10, 2024.
c. The current building has been empty since the 70's and the plan is to demo the building and rebuild the proposed apartment building.
d. They are also proposing to replace the curbing and sidewalks and install a pathway connection to the IRT.
e. **Planning Commission Chairman Brian Horwith** questioned if the building is proposed to be closer to Portland Street? **Engineer Andrew Woods** stated yes.
f. **Planning Commission Vice Chairman Robert Korp** stated it was good to see this property redeveloped, he liked the IRT connection, and he would like to see the parking moved to the back of the building, driving 360° around the building.
g. **Planning Commission member Richard Fuller** stated he was in favor of the charging stations and asked where the power was? **Engineer Andrew Woods** stated there would be underground power.
h. **Planning Commission member Bruce Stettler** suggested the dumpsters be moved from the east side of the parking lot to the southwest side.

i. **Planning Commission member Kathy Crawford** stated there are multifamily homes across the street with no driveways or place to park. Kathy also stated there will be a lot of cars leaving the area in the morning, is a traffic study needed? Kathy also questioned if there were any heavy metals in the soil, were the metals getting in the creek, how was this being cleaned up? **Engineer Andrew Woods** stated there would be a professional environmental study and removal.
j. **Planning Commission member Jeff Johnson** questioned the size of the apartments? **Developer Dano Guerrieri** stated 500 to 1000sq ft, 1 to 2 bedrooms.
k. **Planning Commission member Sean Ziller** questioned the building height and what Zoning Variance requested? The building is 35' or less and is 3 stories with an elevator. The Zoning Variance/Hardship was they couldn't get enough units to justify the cost.
l. **Planning Commission Secretary Richard Semmel** questioned the handicap parking, is there enough? **Engineer Andrew Woods** stated the handicap parking is based on 100 total parking spots. Richard also questioned if they considered permeable paving the parking lot?
m. **Township Supervisor Al Geosits** questioned is the apartments would be ADA compliant? **Developer Dano Guerrieri** stated yes they would be ADA compliant.
n. **Planning Commission Chairman Brian Horwith** questioned the pumping station on the plans between the structure and the creek? **Engineer Andrew Woods** stated this is water pumping equipment related to the Todd Lake (Heleva) superfund site created approximately 35 years ago. Under an EPA Administrative Order for Remediation there is a property manager actively engaged to monitor, maintain and report on this equipment and the processes that manage discharges from the superfund site into the Coplay Creek.
o. **Township Manager Randy Cope** questioned if there will be a mail truck bump out?
Comments from the Residents:
Eugene Wolfgang, Orefield, stated the back of Todd Lake, which is part of the Superfund site is pumped out, and managed for discharge into Coplay Creek behind the subject site**.**

Robert Korp motioned to the table the plan, Bruce Stettler second the motion, vote was taken, all agreed, motion carried.

3. **L. V. Industrial Holdings II LLC Special Exception**-NWT-240-24-007, Parcels 5581 3457 4974, 5581 3456 2275, 5581 3445 1612, & 5581 3427 7611, 5477 & 5479 Mauser St, 5525 & 5537 Rt 145. VR Zone, 3.3242 Acres. Pre existing nonconformity. The plan was presented by Attorney Chris McLean, Engineer Don Peters and Developer Jerry Fasnacht.

a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated July 16, 2024.
b. Zoning Officer's review is contained in his letter dated July 8, 2024.
c. It was stated that the discussion today was to be focused on the special exception and the two existing buildings.
d. There have been at least 14 dumpsters of trash and dozens of tires taken off the property.
e. The applicant is requesting to make the existing buildings compliant with township ordinances and receive approval for the various uses listed in their application.
f. Currently there is one entrance and exit to the property. The conceptual future layout, provided to the Planning Commission, however which is not yet a proposed land development, envisions an additional emergency access.
g. **Planning Commission Secretary Richard Semmel** stated it was good to see something done with this property, but he does have some travel concerns with the intersection at Mauser/Rising Sun/Route 145.
h. **Planning Commission members Richard Fuller and Kathy Crawford** both had questions about the existing nonconforming and the multiple uses? Should this be post consolidation?
i. **Planning Commission Chairman Brian Horwith** stated the uses should be approved for lot 1, after which with the lot consolidation complete, the uses will be extended to lots 2, 3 and 4.
j. **Planning Commission member Jeff Johnson** was pleased with the improvements to the property.
k. **Planning Commission member Sean Ziller** questioned if this request would be considered "spot zoning"?
l. **Township Supervisor Al Geosits** questioned how many buildings were on the property and if they were all permitted, they should all be brought all to code.
m. **Township Director of Operation Jeff Mouer** stated the front building was condemned due to septic issues.
n. **Planning Commission Chairman Brian Horwith** questioned if the holding tanks are enough for the uses requested in the two buildings? **Township Engineer Steve Gitch** stated yes, they are large enough and the holding tanks were the cure to the previous problem.

Bruce Stettler motioned to send a favorable recommendation to the Zoning Hearing Board, Jeff Johnson second the motion, vote taken, 7 yes-2 no, motion carried.

YES	NO
Supervisor Al Geosits	Vice Chairman Robert Korp
Chairman Brian Horwith	Sean Ziller
Secretary Richard Semmel	
Bruce Stettler	
Jeff Johnson	
Richard Fuller	
Kathy Crawford	

Planning Commission Chairman Brian Horwith adjourned the meeting at 9:25pm.

Jane K. Kelly
Planning/Recording Secretary
North Whitehall Township