

LEHIGH TOWNSHIP PLANNING COMMISSION

Minutes of February 12, 2018

Present: David Shulman, Chairman
Cynthia Miller, Vice Chairman (arrived 6:13 pm)
Michael Cawthray, Secretary
Jack Wall
Max Lampenfeld
Phil Malitsch, Township Engineer
Liz Gehman, Zoning Officer
Michael Corriere, Solicitor
Lori Lambert, Planning & Zoning Secretary

Absent:

CALL TO ORDER

READING OF THE MINUTES

Mike Cawthray made a motion to approve the minutes and waiver the reading of the minutes from the January 8, 2018, Planning Commission meeting. Jack Wall seconded the motion. All voted aye. Motion carried.

PLAN REVIEW

Alton D. & Naomi G. Ziegenfuss, Northampton Area School District, Lot Line Adjustment – Preliminary/Final Minor Subdivision Plan

Chris Hower from D'Huy Engineering and Art Swallow from Arthur A. Swallow Associates, LLC were present to represent this discussion.

Chris Hower provided the Board with a layout of the existing property and what the proposed layout of the property will look like once the lot line adjustment is complete. The School District has purchased the Hummel property and will be purchasing 5 acres of property from the Ziegenfuss family to build a new elementary school. Dave Shulman questioned what will happen to the existing fields and existing building. Chris Hower stated that once the new school is constructed, parking will be along the front and where the existing school is located, this will become field area. They are in the process of working on a sketch plan and a special exception will be requested for the proposed new school.

A review letter from the LVPC dated February 7, 2018, has been received, the plan does not propose any land development at this time and is consistent with the County Comprehensive Plan.

A review letter has been received from Janice Buskirk, the Township SEO dated February 3, 2018. No development is planned for this parcel at this time and will not affect the existing sewage disposal systems. If the property is developed, Sewage Facilities Planning will be required at that time.

Phil Malitsch stated that this is a lot line adjustment plan, there is a small portion of right-of-way that is going to be dedicated with this plan; this will take it out to the ultimate right-of-way on Blue Mountain Drive. A majority of the comments are procedural. There are a couple of waivers that are being requested: the detailing for manmade features being shown on the plan (Item 3 in Township Engineer review letter dated February 9, 2018) and water, sanitary sewer, storm sewer lines and facilities (Item 6 in Township Engineer review letter dated February 9, 2018), these should be shown on the land development plan. Phil Malitsch stated that the special exception use references should be removed from this plan. Dave Shulman questioned the Hummel property shown as a future acquisition, will they have to come back with a lot consolidation plan. Art Swallow stated that the land development plan will include the consolidation; the plans were submitted to the Township prior to the School District owning the Hummel property. Item 14, a recreation fee is not applicable, no new lots are being created. Item 16, monumentation shall be set prior to plan recording. Item 17, financial security for frontage highway improvements, there is a scoping meeting set with PennDOT so this will be handled with the land development plan. Dave Shulman questioned the PPL easement that runs along the driveway. Art Swallow stated that the School District will work with PPL during construction.

Max Lampenfeld stated that it looks like this is a done deal; he finds it hard to believe that it would cost \$32 million to renovate the existing school and it would cost \$34 million to build a new school. Mike Cawthray questioned the construction time frame? Chris Hower stated that the design phase is probably about a year off; construction is estimated at spring/fall of 2019. The existing school will be demolished. Phil Malitsch stated that to the rear of the Ziegenfuss property is steeper slopes, will variances be required? Chris Hower stated that where they would be constructing the school the property is flat. Cindy Miller stated that there have been issues with the existing septic system and the well, how does the school plan to take care of this in the future? Chris Hower stated that the current septic system will be expanded and they have reached out to the water authority for public water. Cindy Miller stated that a previous developer was looking to develop across the street and it was discussed at that time if public water and sewer would be run to that site, the School would entertain the possibility of connecting. Now that the School would be faced with the possibility of public sewer and paying to run the lines, it is not being addressed or discussed, it's going to be on-lot. Chip Hazard stated that there is public sewer approximately 2 miles from the School, they have capacity; it is just a matter of running the line. They have been approached regarding public water and there is capacity. Dave Shulman questioned if the same area will be utilized for detention? Chris Hower stated that they are not that far in the planning process, however additional detention areas will be added.

Mike Cawthray made a motion to grant the waiver of Section 147-9.A.6 and 147-A.10 & 10.A.16. The waivers are only applicable to this plan and not to any future land development plan. Cindy Miller seconded the motion. Mike Cawthray, Cindy Miller, Jack Wall and Dave Shulman voted aye. Max Lampenfeld voted nay. Motion carried.

Jack Wall made a motion to grant this plan conditional final approval, conditioned upon the Township Engineer's letter of February 8, 2018. Mike Cawthray seconded the motion. Chip Hazard questioned if this is only for the lot line adjustment? Dave Shulman stated that this is correct, for the Ziegenfuss property to be transferred to the School District's property. Jack Wall, Mike Cawthray, Cindy Miller and Dave Shulman voted aye. Max Lampenfeld voted nay. Motion carried.

Dave Shulman questioned what the submittal time line is for the land development plan. Art Swallow stated that they are estimating to have a sketch plan in for the March meeting.

GENERAL DISCUSSION

Zoning Map

Phil Malitsch stated that in the fall the Planning Commission (PC) sent some recommendations to the Board of Supervisors (BOS) for some zoning changes, the changes are identified on the map that was provided to the PC. Should the BOS decide to move forward with the changes; the properties will need to be posted and the changes will need to be advertised. There is an area along the south side of Route 145 where the description and the map do not match. Michael Corriere feels that the description in the Zoning Ordinance would be what you would follow. The PC feels that since there are residential homes in this area, the GC should follow the description and not what the map is currently showing.

Comprehensive Plan

Cindy Miller stated that we have about \$50,000.00 budgeted to the Comprehensive Plan, she also has a meeting coming up with Becky Bradley from the LVPC. She has talked with someone from Kidder Township who received grants to update their Comprehensive Plan and they are willing to come and talk to the PC about how they obtained the grant funds. Cindy Miller stated that she attended a General Assembly meeting with the Township Manager; transportation and Planning were discussed. She feels that we should be putting out a bid for some type of strategic plan this year.

Site Plan Review

Michael Corriere provided information from Hellertown Borough dated January 22, 2018. The PC needs to determine who will make the final decision and what will be on the site plan. Phil Malitsch stated that there are a couple questions that need to be answered. Who decides if a land development plan is required? It makes sense that it would be the Zoning Officer. There also needs to be some type of definition in the Ordinance that defines what a site plan is and what a land development plan is. Who will the site plan go to? What is required to be shown on the plan? Phil Malitsch feels that it should be a signed and sealed plan and it should meet the requirements of Zoning and SALDO. A site plan could have the same level of detail as a land development plan; however it would not need to go to the BOS or be recorded. Lori Lambert stated that if you are making someone go to the expense of hiring an engineer to prepare plans for a site drawing you mind as well have them go through the land development process. It would be simpler to change the definition of land development. Liz Gehman stated that there is a problem with the land development definition; it is currently being picked apart by an attorney who is stating that land development is not required for a project where she clearly feels that land development is required. Dave Shulman stated that maybe it is as simply as changing the definition. Cindy Miller stated that even at the Board level we've gotten into long conversations about the definition, because it is not clear. Phil Malitsch stated that the main items we talk about with a change of use are parking, traffic and septic. Where, in the opinion of the Zoning Officer, if the change of use will have an adverse impact on the septic system, parking or traffic a land development plan would be required. Phil Malitsch and Michael Corriere come up with a definition. Also, anytime you need a special exception or conditional use, a land development plan would be required.

Phil Gogel of Nectarine Road; stated that in order to document his septic system on his property it was \$1,500.00. For a survey it is approximately \$2,500.00 to \$3,500.00, he feels that it is too much for residential property owners. Phil Malitsch stated that this is for commercial and industrial properties.

Craft Breweries

Liz Gehman stated that she pulled some definitions from other Ordinances and wanted to get input from the Board if craft breweries should be permitted in the General Commercial Zone (GC) and a special exception or conditional use in the Resort Commercial Zone (RC). Dave Shulman feels that it shouldn't be a permitted use under any circumstance; we need to look at the size, the number of employees, etc. He has a concern with it being in the GC zone; because of the residential properties surrounding the GC zone and he does not feel that the RC zone is appropriate. We should add it to the Planned Resort Residential Community (PRRC), the Office Business (OB) zones as a special exception and possibly the Industrial Zone (I).

Oil & Gas Facilities Potential Ordinance Amendment

Michael Corriere provided a memo and model ordinance dated January 24, 2018, which includes definitions, charts and criteria from the model ordinance. Dave Shulman questioned if there is a minimum acreage for compression stations? Michael Corriere stated that it is covered in Exhibit 3. The compression stations can range from small to large, Phil Malitsch will provide photo's for the next meeting of compression stations. Phil Malitsch stated that he will provide information on peaker power plants, to see if these types of facilities would be covered under this ordinance. Cindy Miller stated that we need to get moving on this Ordinance, she heard that Penn East has been notifying property owners of eminent domain, not in Lehigh Township but in surrounding areas. Dave Shulman stated that since we just received this information, it should be reviewed by the Board members and we will discuss it at the next meeting.

BOARD DISCUSSION

Phil Malitsch stated that he had a staff level meeting with Mr. Jaindl. They have a concept plan, similar to what they provided at the PC meeting several months ago. They are doing a good job with complying with the Township Ordinances. The commercial development is centered around the monastery. It was suggested that a master plan and/or sketch plan be submitted to the Township even though the project will be phased. They may need a dimensional variance because the footprint of the commercial buildings will be between 20-25,000 square feet. They discussed Cherryville Road, traffic and where the driveway locations will be. The main entrance will be moved down towards the south with two other entrances to the north. One is to the west of the existing entrance and one is for the age restricted living section off of Cherryville Road. Phil Malitsch had a concern with the middle access so he suggested that they look at that access. The buffering requirements from Cherryville Road will be looked at along with the buffering requirements from Heather Court. They also talked about by right uses and the possibility of glamping. Phil Malitsch suggested that they put a packet together and provide it to Liz Gehman to see if the proposed uses are by right or if variances would be required. Cindy Miller questioned if they would have anything off of Indian Trail Road. Phil Malitsch stated that they will have a connector road from Cherryville Road straight through to Indian Trail Road. They will have to create an HOA because everything will be private. The sewer plant is along Indian Trial Road, the treatment plant expansion will eliminate one of the soccer fields. The Township will lose one of the recreation fields, an agreement will have to be made between the Township, LTMA and Mr. Jaindl. The flows that are needed for Phase 1 do not require the expansion of the facilities. The cost for the expansion of the plant will be approximately \$2 million. The expansion will take the plant back to the capacity they had prior to construction. Phil Malitsch stated that the traffic impact fees that are paid have been absorbed into the traffic impact study and the development is governed by pm peak trips.

PUBLIC COMMENT

Chip Hazard, stated that it doesn't seem to make sense for the School to install an on lot septic system. Does the PC want to set some sort of direction for the School? Dave Shulman stated that there is a difference between what you want and what you can get, the issue was raised already tonight.

Bill Hart, Heather Court, questioned the Cherryville intersection and is Dollar General going to happen. Cindy Miller stated that the BOS will be acting on the request of Dollar General to discontinue the plan. Turkey Hill is speaking with the developers; the developer has not recorded the plan. PennDOT has told the Township that the existing Turkey Hill site needs to become a right in, right out, approval is needed from Turkey Hill. The Township Engineer has reached out to Turkey Hill in October 2017, to meet and has not been successful in their request. Cindy Miller wrote a letter to Turkey Hill and received an answer, the BOS will discuss this response tomorrow night. The grant is due this year, the Township will need to ask for an extension. The Township is still being told by Turkey Hill and they are moving forward.

ADJOURN

Cindy Miller made a motion to adjourn. Mike Cawthray seconded the motion. All voted aye. Motion carried.