

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Comprehensive Plan Workshop Meeting, May 18, 2022

The Lehigh Township Board of Supervisors held a special workshop meeting on Wednesday, May 18, 2022, at 6:00 p.m. The purpose of the meeting was to discuss the draft comprehensive plan for Lehigh Township. The meeting was held at the Lehigh Township Fire Company, 4188 Lehigh Drive, Cherryville, Pa. 18035. Chairman Mike Jones called the meeting to order with the Pledge of Allegiance and roll call.

Present: Cindy Miller
David Hess
Jerry Pritchard
Phil Gogel
Mike Jones
Attorney David Backenstoe
Alice Rehrig
Charlie Schmehl, Consultant, Urban Research and Development

Charlie Schmehl gave a brief overview of the purpose of the Comprehensive Plan. The plan is an overall set of policies for the Township over the next 10 to 15 years. It primarily looks at future development, but it also looks at transportation, community facilities, natural feature preservation, farmland preservation, and ways to carry out the plan. The plan by itself is not a regulation. It is intended to recommend policies for a future update of the Township's zoning ordinances. There will not be any decisions made on exactly how a property will be zoned, but the Supervisors will be asked what they want to be shown in the plan. The plan and the zoning do not have to be 100 percent the same. When they get to the zoning stage, they can still make some changes. This would occur at future public meetings during the zoning phase. The decisions made at this meeting are not final and binding to the Township.

The Township held a public hearing on the plan and received a lot of good comments. For this meeting, he will go through the minutes from the April 6 hearing so that each of the items brought before the Board can be discussed. Once they get through those comments, he will ask the Chairman to open the floor for additional comments.

There were some corrections and adjustments made to the plan map based on comments and direction that was given last month. The map now shows the preserved agricultural lands as a shaded area on top of the current Commercial zoning which is to continue for the Lorah Farm. There was also a correction to the easement area which has been corrected. There was a new request that was received for two relatively small pieces of land on Lehigh Gap Road by Walnutport. The lots are commercially zoned in Walnutport and the properties extended into Lehigh Township which is zoned Agricultural Rural Residential. In keeping with the policy of avoiding split zoning on smaller lots when possible, they are proposing these properties be changed to commercial to be consistent with how they are zoned in Walnutport.

At the last meeting, there was a concern with a property in Danielsville going from A/RR to Neighborhood Commercial and Resort Commercial. Charlie Schmehl commented the goal was to capture the existing businesses along Route 946 into Neighborhood Commercial to reduce the number of non-conformities. During the process, one of the properties was split between Neighborhood Commercial in the front and Resort Commercial in the rear. The property can be changed to one or another, but they do think there is a reason to be consistent along Route 946 and keep it as a commercial area. The owner of the farm in the area commented his farm field is proposed to be A/RR but the two acre parcel where his home and barns are located is NC. He would prefer them to be zoned the same. Phil Gogel commented since Route 946 is a main state road, he would like to see more Neighborhood Commercial than just spots of commercial. Charlie Schmehl commented the Neighborhood Commercial is proposed to be extended to Green's Garage. Phil Gogel commented he would like to see the farm area included so that it is a continuous stretch of Neighborhood Commercial. The owner of the farm property noted that most of the farm property is under the power line and cannot be developed. There is no ability to build on this property and he doesn't want to see his assessed value go up and cost him more in taxes when there is no ability for development of the property. Richard Shelly commented he is the next property that would be going from A/RR to Commercial. How will this effect his taxes? Charlie Schmehl commented if there is a commercial use on the property, it would have already been assessed for commercial. Mr. Shelly commented he is a residential property with a variance to do auto repair. Charlie Schmehl commented he is not an assessor, but it is his understanding that when they do an assessment, he looks at the overall use of the property. A resident questioned if you can safety have commercial on properties with wells. Charlie Schmehl commented it would depend upon the type of use. General Commercial is intended to allow all types of commercial uses. Neighborhood Commercial design for where there are a lot of houses nearby and primarily allows for items such as daycares, retail stores, offices, things that are more likely to be good neighbors for houses. It is more restrictive than General Commercial. A concern was raised about adding additional traffic to Route 946 and there is no room for turning lanes. Cindy Miller commented there is nothing specific being planned for Route 946. Route 946 is a State road and they can do what they want with their road. If they want to add turning lanes, they can do that and there is nothing the Township can do about it. At this time, there is nothing being proposed by the State for Route 946. If a development comes in, they would need to go to PennDOT for a Highway Occupancy Permit and PennDOT may require turning lanes depending upon the proposed use. Charlie Schmehl noted the Resort Commercial District was set up a number of years ago to allow things like hotels and restaurants for people headed to the Blue Mountain Ski Area. With regards to the long narrow lot being proposed to be split between NC an RC, the Board agreed it should be one zone. Charlie Schmehl recommended it be Neighborhood Commercial. Phil Gogel raised a concern about continuity in the general area. It seems like we are taking pieces from here and there. Charlie Schmehl commented their goal was that the frontage be Neighborhood Commercial because that is where the business are located.

Cindy Miller noted this was supposed to be a workshop with the Planners. Charlie Schmehl commented the Planners had some conflicts. He believes one or two of them are sick. Some had intended to be here, but couldn't. Cindy Miller commented she believes it would be best to listen to the comments from the residents then have a meeting with the Planners to hash things through and not make a decision this evening. Charlie Schmehl commented he believes some of the items can be easily resolved and the larger items can go back to Planning. Cindy Miller commented the Planners should be here to explain why things were done rather than getting second hand feedback from the Board. The purpose of the meeting was to meet with the Planners so that the residents could understand what is going on. It's not fair to the Planning Commission to throw them under the bus and not talk to the residents for them to hear what is going on.

A resident questioned what conformity was. Charlie Schmehl explained a non-conformity is something that was legal when it started, but would not be permitted today. Anything that was legal when it started continues to be legal. If an automobile repair started in 1950 and is now in a residential zoning district, it can continue as long as you want. If someone would want to start an automobile repair today in that district, it would not be permitted.

Charlie Schmehl provided a brief explanation of the primary zones in the Township:

Village Residential. This area allows for a mix of housing types up to four units per acre with public water and sewer. The housing types could be singles, twins, and apartments.

Agricultural Rural Residential. This is primarily a one acre district, one acre per home and encourages agricultural activities.

Neighborhood Commercial. This is primarily for the less intense type of commercial uses.

General Commercial. This area provides for a wider range of commercial uses.

Medium Density Residential. This was primarily designed for existing and approved manufactured home parks and modular home developments.

Blue Mountain Conservation Area. This is a large lot district primarily designed to preserve most of the Blue Mountain.

Industrial Commercial Area. This is mainly on Route 145, north of Walnutport. This provides for a mix of industrial and commercial uses

Mike Jones commented he understands what the proposed MDR zone is, but doesn't understand why the existing lots located along Route 946 are included with MDR. Charlie Schmehl commented they were squaring off the area. The smaller lots could be excluded from that zone. There is no harm in including them. There is not much potential for development either way. They are single family homes that continue to be single family homes. Phil Gogel commented a developer could potentially buy several of the lots and combine them. The Board agreed to keep the smaller lots into VR. A resident commented her daughter is one of the smaller lots and she is concerned that some of the lots could be sold and at some point, either lot beside her could be sold and combined with what is going on behind them and they would be surrounded by a mobile home park on all sides. Charlie Schmehl commented it would be his recommendation that these smaller lots remain in VR.

The lots located in the curve of Blue Mountain Drive, north of Danielsville which were proposed to go from Resort Commercial to Blue Mountain Conservation were discussed. Charlie Schmehl commented the concern with the commercial zoning was that a commercial driveway would most likely not be able to be constructed in that area because of site distance. Resort Commercial is mostly intended for hotels and restaurants. The residents of the area raised a concern that the value of their property would be reduced by changing the zoning. Mike Jones questioned if someone wanted to develop these properties, wouldn't they need to go to the State for approval. Cindy Miller commented Blue Mountain Drive is a State Road and the State will come out and make the determination as to whether or not they will permit the driveway to a business. The State can deny the permit application if it does not meet the criteria. Some of the Planners commented at the last meeting that they did not have a problem with not making the proposed change because the use of the property would be dictated by a PennDOT HOP. The Board agreed that this section would not be changed.

At the last meeting, Phil Gogel had brought up that the 28 acre piece of property on Bayberry Drive should be changed from the current zoning of Village Residential to Agricultural Rural Residential. Phil Gogel noted there is no water or sewer available and the property owner is not present at the meeting. He did not have the opportunity to speak with him, but if he would like to keep it as Village Residential, he doesn't have a problem with that. Phil Gogel's concern was that one of the goals was to preserve and protect farmlands. Since this is a 28 acre horse farm, it would seem to go against that goal, especially since there is no public water or sewer. Charlie Schmehl commented he did confirm that if public sewerage were installed, it would drain towards the plant. Phil Gogel commented there is no way that you would be able to gravity feed the sewer to the existing lines. There was no consensus on whether this parcel should be changed.

A portion of the homes on Deer Path Drive and Spring Drive are currently zoned Blue Mountain Conservation. The draft Comp Plan proposes a change to A/RR. At the last meeting, Phil Gogel suggested it be changed to VR which is a higher density zoning of up to four homes per acre. Phil Gogel commented his reasoning is that the lots in that area are small. If you change it to A/RR, it means there will be a greater setback for sheds and other items. The area is more in line with VR than A/RR. Charlie Schmehl commented if the shed setbacks are too great, then they should be adjusted through zoning. Phil Gogel commented he does not agree with promoting non-conforming lots. If you are trying to clean it up, you don't make it more non-conforming; you are not fixing anything. David McKeever commented this development is almost like a trailer court, except when the trailers are pulled out, they are putting in regular homes. If you restrict the setbacks too hard, they will have a hard time with getting homes on the lots. You want to improve the area, not hold it back. The Board agreed with making the change to VR.

The area where there is a modern development of one acre lots by Walnut Drive and Banyan Drive is proposed to be changed from Village Residential to Agricultural/Rural Residential. To reflect the current condition of single family homes on one acre parcels, the recommendation was to change this from VR to A/RR. The question that came up was whether or not this change should take place. Phil Gogel commented he doesn't believe there is a justification to change it since the lots are already established. Charlie Schmehl commented with it being zoned VR, there is potential that someone would resubdivide a lot for twin homes, although it is unlikely. Phil Gogel commented his preference is to leave it VR. Cindy Miller commented she prefers A/RR to conform with what is already existing. Phil Gogel commented there is Village Residential behind it. It is not A/RR until you get across the street. Mike Jones questioned why the change in zoning didn't go further west. Charlie Schmehl commented you could have. Mike Jones commented he was looking at that since there are larger lots to the west. Phil Gogel commented it doesn't make sense to carve out that one area for A/RR when the remaining large section is VR. He doesn't understand the reasoning. Charlie Schmehl commented the other lots have development potential; the proposed area does not. Phil Gogel commented that supports the position to keep it the same. Charlie Schmehl noted it is unlikely to change one way or the other because they are already established modern homes on one acre lots. Cindy Miller questioned why we would keep VR there when they are one acre lots. Phil Gogel questioned why you would want to change something that is already subdivided. There is no water in the area; there won't be public water there for a long time. Joe Transue commented there is one remaining vacant lot in that area. The question is would a single family home or a twin home fit better in the neighborhood. There are already single homes there, but there are twin homes down the street. Will it hurt or help the community? The consequences of the change need to be explained. A resident commented he believes the Board should be careful of VR and dense living. He was from Fogelsville and when he grew up there, there was nothing, farmland. Look what is there now. He also was in South Whitehall where they said you wouldn't be able to build on anything less than an acre. Look at it now? Phil Gogel commented we need to allow

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for growth to keep the tax base. All the costs of the Police Department and Road Maintenance will continue to go up and you have no tax base. When you build homes and developments, those are money pits for the Township as far as taking care of the roads, policing, and everything like that. He gave a whole thing on Resort Commercial where for a little bit of impact, bigger prints. Come here, enjoy the mountain, go skiing, hiking, biking. We have everything to offer, give us your money, then go. He believes this area should remain VR. Mike Jones commented there isn't water to do four units to an acre. Jerry Pritchard commented we cannot take everyone's property and decide how to value it. You can't change it according to what everyone wants for their specific purpose. We need to keep the commercial on our major roadways and then keep the residential on the inside. Cindy Miller commented there are single family homes in that area, why not make it A/RR and keep it consistent. Cindy Miller commented people came to the Planners and she also talked to people in the community and they said they want to keep the Township as rural as possible. They understand there will be changes, but they want to keep it as rural as possible. That is what the Planners tried to do when they came up with these changes and at the same time, making sure they are complying with the requirements of the Municipalities Planning Code and State requirements. Phil Gogel commented he could understand that if this was an area of vacant land, but this is already developed. When something is zoning agricultural, you think of a large parcel, not a half acre or one acre lots. Mike Jones commented the A/RR provides continuity on the map. Phil Gogel commented he would agree if there was not a road separating the lots. If the roads were major roadways, he would take a large section and make it neighborhood commercial because you need large sections. You don't want to take a small portion and cut it out because you do more damage to the residents if they are next to commercial, that is why he recommends a large swath of land. In this particular area, you would be cutting out a portion that is bound by roads. He could see if there were other agricultural lands attached to it. Joe Transue noted that under the current zoning, the vacant lot could potentially have up to four units on it. Kathy Haggerty commented that is going back to looking at a single lot again. Cindy Miller commented the Board is not here to look at one lot and say it's going to change the value of this property or that property. They are looking at an overview of a plan of what we want our community to look like in the future. If residents want a lot of VR so there can be apartments and townhouses, they need to let the Board know. They can incorporate more VR into the plan, but that is not what they have heard from the community. They were hearing A/RR with one acre or large lots. Mike Jones questioned why you couldn't extend the proposed A/RR section over to Blue Mountain Drive. Charlie Schmehl commented that could be done if the Board wanted to. Phil Gogel commented you would be devaluing the larger lots. Mike Jones commented the lots are wet and can't really be developed. Phil Gogel commented he wouldn't want to change that many peoples properties without letting them know. He doesn't think it would make a difference either way, but there would be nine impacted people. No consensus was reached.

Charlie Schmehl noted there was a comment made at the previous meeting that Green's Garage should be included in the Neighborhood Commercial. That is shown on the proposed change

map. Mike Jones commented that he didn't think that by making these properties NC will make them conforming because auto repair is not permitted in NC. Charlie Schmehl commented that is correct, but it does make them more conforming by having it commercial. This can be helpful for when they go for financing because there is some type of commercial zone. Phil Gogel commented he believes the Neighborhood Commercial should be connected from Henry's up to Green's garage, not carve out the farm field. The house and barn are being proposed as NC and they are also owned by the same individual and both access Route 946. If you are going to chop up the zoning, then leave it the way it was. Charlie Schmehl commented the original intent was to recognize the existing nonconforming uses. No consensus was reached.

Clarification was requested on what a nonconforming use is. Charlie Schmehl commented a nonconforming use that was legal to start with, continues to be legal and can expand within limits. It can change ownership and change to a new use that doesn't conform to zoning as long as the new use is less than the old use. For example, if he has an auto repair garage in a residential district, he could probably obtain permission to change it to auto sales, but he couldn't change it to an asphalt plant because that would be more intensive than what was there. Cindy Miller questioned what would happen if someone abandons the property. Charlie Schmehl commented, technically, if the property is abandoned for more than a year, you could lose your right to the nonconformity, but it is very hard for the Township to prove abandonment. Cindy Miller questioned what would happen if there is a fire. Charlie Schmehl commented the Zoning Ordinance should allow for rebuild after a fire because otherwise it is hard to get mortgages.

Last meeting there were some comments regarding the Business Park district. Charlie Schmehl commented this was not a significant change from the current zoning, but a new name. Currently it is titled as Office/Business. There is no market for offices right now, so their intent was to be more expansive in use and rename it Business Park. The idea is that it would permit some very light industry there, some flex space, but no distribution centers. There could be some retail and service uses. They just didn't want it to be listed as only office space. Jerry Pritchard questioned if there was water and sewer available. Charlie Schmehl commented there could be water and sewer available. It would need to be expanded from Walnutport and Slatington. Joe Transue commented it would cost a developer about half a million to bring water and sewer to the area. Charlie Schmehl noted when a developer is developing a larger tract of land, the \$500,000 is not that great of an expense; it's a standard cost of doing business. He also noted Walnutport Borough owns land along West Mountain View Drive. They may have an interest in cooperating to bring the water and sewer up to make their land more valuable. At the last meeting, some people commented that they didn't want to see businesses in that area, some commented they were concerned about some of the site distances in the area. He would note that the Township would have the ability to require improvements to adjacent intersections and they would also have their impact fees for off site improvements. Phil Gogel

commented he believes the individual was also concerned about the topography of the area and the lower end gets really wet when it rains. Charlie Schmehl commented there were also some people who had concerns regarding sight distance at Hickory and Maple and traffic on Hickory related to this. He believes those concerns are manageable with proper care if the land was to be developed.

There was a request from a property owner at Nectarine Road to have General Commercial zoning for an automobile repair and sales business. The Board did not agree with changing to GC for the one property owner in that area. The business is existing and he is allowed to continue.

The items pertaining to the Lorah Farms have been cleaned up; there is no proposed change from the current zoning.

There were also concerns brought up at the previous meeting regarding junk cars and trailers and that they believe this is something that need to be addressed.

Phil Gogel questioned the change in zoning across from Bethany Wesleyan Church. Charlie Schmehl commented the property next to the Fire Company and the Post Office Property were listed to be changed to General Commercial to square off that district since they are across from Bethany Wesleyan. Phil Gogel commented he would prefer to keep it Village Residential since it does not front onto Route 248. The Board agreed to keep the zoning as Village Residential.

Linda Metcalf, 4604 and 4606 West Mountain View Drive, commented the side that she lives on is currently zoned NC and across the street is shown as A/RR. Why are there two different zones and what does this mean to her. Charlie Schmehl commented they were trying to recognize what was there. The south east side is mostly residential and the northwest side is more commercial. Ms. Metcalf commented the commercial is at the corner; then there is a ranch home and then her home and houses continue towards Danielsville. The same scenario exists across the street. You have the convenience store, Mama's Pizza, then houses continue towards Danielsville. She doesn't understand why one side is Neighborhood Commercial and the other side A/RR and how does that impact her. Charlie Schmehl commented the change was to take two lots from General Commercial to Neighborhood Commercial because there were homes nearby. The change to NC makes the properties more consistent with the residential properties in the area. NC would allow residential and light commercial. Carol Simcoe commented she owns the ranch home at 4610 West Mountain View Drive and the small lot next to it. She wants to keep those as General Commercial because she owns the property directly behind and beside it and that property is zoned General Commercial. It was also noted that the General Commercial property owned by Mrs. Simcoe is also located behind 4604 and 4606

West Mountain View Drive. Cindy Miller noted the houses at 4610, 4606, and 4604 were changed from GC to NC because you don't want to have homes in the GC areas. The 4610 and the small lot (4608) will stay as GC.

John Nobloch, 4415 Katlyn Drive, commented he was the only one in his neighborhood who received a letter and was trying to figure out what was going on. Charlie Schmehl commented this lot is part of a larger change. The current General Commercial zoning district was measured by distance from Route 248. The distance didn't relate to any lots, roads, or safety issues. In this particular case, the GC line went through a house at the end of the Katlyn Estates development which made no sense. The goal was to follow property lines of the residential properties that did not front on Route 248 and put them into a residential district. In addition, there were concerns raised by the Planning Commission regarding the hill on Route 248. It gets bad in the winter and it is not a good place for commercial driveways and there are very few commercial uses in that area. Phil Gogel commented his concern with this over all change in that there is mining in the zoning ordinance and having the ability to remove shale and selling it. Kathy Haggerty commented she owns the 6 acres with a pond on Municipal Road. They have been there for 25 years. When they bought the property, they were zoning agricultural. Then 20 years ago, the zoning changed to make her commercial to promote business, now the proposal is to change it back to agricultural. It seem like every 10 years the zoning flips. Cindy Miller commented the plan needs to be reviewed every 10 years which is why there are changes. It is not a minor change. Mike Jones commented when the previous zoning was set up, they should have kept the GC zoning to properties fronting Route 248 and followed the property lines rather than following a certain dimension back from Route 248.

Michael Haberern, 110 Riverview Drive, commented his property is located behind the homes on Long Lane. Charlie Schmehl commented the change is to make the property VR which is a higher density. Looking at the future, they believe there will eventually be a need for sewage in Treichlers so they wanted to have an area where there could be future development which would help pay for the sewage system. With Village Residential, you would have the opportunity to increase the density to four units per acre with water and sewer.

Rose Edwards, 4476 Lehigh Drive, noted her property is being proposed as a change to A/RR from commercial. Charlie Schmehl commented the proposed change was because of the concern with the hill on Lehigh Drive and the winter driving conditions if there were a high volume commercial driveway on the hill. There are also several homes in the area that do not touch Lehigh Drive, but are zoned as commercial. Ms. Edwards questioned why they want to change it. Charlie Schmehl commented he doesn't believe the sliver of land is buildable for commercial use because of parking and setback. Phil Gogel noted several parcels could be purchased and combined. Charlie Schmehl commented if that were to happen in the future, the Board could consider it, but for now, you need to look at the current lot configuration. Phil Gogel commented if someone were contemplating combining the lots, you would be shorting Ms. Edwards value on her property. Charlie Schmehl commented zoning is not permanent. If

someone were to come in and show they could do land assembly, the Supervisors could decide to change it. With the lot layout that currently exists, he thinks it would be dangerous to have commercial on that hillside with the number of lots that exist. Ms. Edwards commented the property had a business on it when they bought it. Phil Gogel commented it is difficult to change something later. Charlie Schmehl commented if there is property justification, the Township has the ability to change the zoning. Cindy Miller commented the other issue is getting the PennDOT HOP. Charlie Schmehl noted PennDOT cannot deny someone access to their property, but they can put limitations on the property. It is the Township's responsibility to determine where they want commercial to be. If the Township allows commercial, their hands are tied because they need to allow access to a certain extent. Someone questioned why make the change? Mike Jones commented it was for safety. Ms. Edwards commented there are other businesses in the area. Mike Jones commented Becky's is down further where it is flat and has the site distance.

The owner of the farm on Mountain View Drive commented he wants the farm as A/RR and is fine with the Neighborhood Commercial where his home is.

Phil Gogel commented he believes the Planners should be present. Cindy Miller is on Planning and is taking the brunt of everything because she is at Planning all the time. He believes these arguments should be before the Planners because that is why the Board appoints members to committees and boards to hammer these things out. Jerry Pritchard commented this is not how you draft a comp plan. You draft it based on your arteries; you can't do it for individual properties. He wants people to have the best value they can for their properties, but we can't draft our comp plan that way. Phil Gogel commented there are too many segmented changes. That's why it evolved into this. There wasn't large swaths of land or parcel changes. It was a segment here and a segment there. Charlie Schmehl commented it was not meant to be a revolutionary change to the current zoning. It was an update which was why they looking at areas that would be most subject to change, areas most likely to cause conflicts between homes and new development that could be involved.

Charlie Schmehl will make the changes that were discussed at this meeting. The next meeting will be scheduled when the Planning Commission will be available. Dave McKeever questioned if notices will be sent out again. Phil Gogel commented he would like to send them out again. It's just a letter, stamps, and envelopes.

Marc Kacsmar commented if a project like this is done in the future, it may be easier to hold smaller meetings based on neighborhoods that are being effected rather than having the whole township discussed at one meeting.

David Hess made a motion to adjourn. Jerry Pritchard seconded the motion. All voted aye. Motion carried.