

## LEHIGH TOWNSHIP BOARD OF SUPERVISORS

Comprehensive Plan Hearing, April 6, 2022

The Lehigh Township Board of Supervisors held a special meeting on Wednesday, April 6, 2022, at 6:00 p.m. The purpose of the meeting was to hold a public hearing regarding the Draft Comprehensive Plan for the 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  
Mike Muffley, Township Engineer  
Charlie Schmehl, Consultant, Urban Research and Development

Charlie Schmehl provided an overview of the Comprehensive Plan. The Comprehensive Plan is not a regulation. It is a set of policies for future development and preservation of the Township, looking mainly at the next 10 to 15 years. It is intended to provide a foundation for future zoning changes, but it is not binding upon the Township. The Township's actions cannot be challenged based upon what the Comprehensive Plan says. It is intended to set policies and ideas and provide thinking that will go through to zoning changes. It mainly looks at land use and development and housing, where different types of development are proposed to be allowed in different areas of the Township. It looks at transportation, community facilities, services, environmental protection, agricultural issues and ways to carry out the plan. The goal is to look at everything together in a coordinated manner rather than looking at each individual parcel one at a time. It also allows the Township to be proactive as to what they want to see in the future rather than waiting until a developer comes in to the Township and asks for different things. The benefits of the plan is the coordination of looking across property lines coordinating traffic with development. The main reason why this is done is to protect residential areas and make sure natural features are protected. The Comprehensive Plan can help with grant applications in that it lists a series of things that should be done. It gives the Township extra points on State grant applications.

The goals of a plan are: To retain the rural character of the Township as most people want to see that continue. Preserving the better agricultural land but not in such a way that it takes value away from the land owners. Protecting natural features. Bringing in new business activities which is needed for Township tax revenue as well as School District Tax Revenue because it is a net profit for the School District. Under state law they have to provide for the different types of land uses and housing. Coordinating water and sewer services with intensive development which may occur. Avoiding traffic problems.

The maps used in developing the plan are topographical maps showing areas of steep slope and contours, lands that have been permanently preserved for agriculture and area which are included in Ag Security which could possibly be permanently preserved in the future, the current uses of land in the Township, the current zoning, main recommendation of land uses, and suggested areas of changes from the current zoning map.

The different categories of the land use plan are:

**Blue Mountain Conservation Area.** Much of this land is in public ownership. Currently there is a 10 acre minimum lot size and there are not many parcels in this area that are easily buildable because of the steep slopes and limited access.

**Agricultural Rural Residential.** This is most of the land area in the Township. Right now, it provides for agricultural land uses and homes on one acre lots which is generally needed for having on lot water and septic systems. They are suggesting a minor incentive if a developer extends public water. It would approximately be .1 acre difference if a developer does extend the public water to their development. Public water helps to avoid a lot of public health problems and makes it easier to replace septic systems if needed and also provides better fire protection. They want to have an incentive to encourage the expansion of public water where it is feasible, especially now that Bethlehem Water has opened themselves to extend public water into Lehigh Township. There are ten farms that have been preserved which includes 945 acres. This was a voluntary action of the property owner to sell their development rights to the County. The land continues to be privately owned, but they cannot be subdivided for non-agricultural purposes.

**Village Residential.** This area includes most of Cherryville, Treichlers, Pennsville, and Danielsville. Right now, there is a one acre lot size with well and septic; five homes per acre if you have central water and sewer. The plan is recommending cutting this back to four homes per acre because of concerns that five units to an acre is a little inconsistent with the character that most people prefer for Lehigh Township. There is a recommended density bonus for developments that will provide housing that is designated for 55 and over. This is beneficial for the school districts because this is a net benefit for them. There is a lot of concern in Pennsville because of the narrow steep roads. Right now, you could build apartments at five units to an acre and the roads are not suited for that, so the suggestion is that there be some limitation on density based upon the ability of the road to handle the traffic.

**Medium Density Residential.** This is mainly mobile home and manufactured home parks as well as proposed modular home parks. This is proposed to be approximately 5 to 6 homes per acre.

**Neighborhood Commercial.** This is intended to provide for uses which are compatible for homes nearby. Examples of the uses are banks, daycare centers, offices, retail stores, barber and beauty shops.

**General Commercial.** This area would provide for more intense uses such as auto repair, gas stations, truck repair, things that don't typically make great neighbors for houses. It is important to have these uses, but you want to be careful where they go. A lot of time has been spent with the Planning Commission at the various meetings looking at the commercial areas and seeing that what is suggested is suitable for different areas. In many cases it was proposed to change the General Commercial over to Neighborhood Commercial because there are a lot of homes nearby and not many businesses in that location. In some places they recommended getting rid of the commercial because there were steep closes and curves in the road and there was a concern about winter driving conditions and safety hazards as vehicles are turning on and off of a commercial development. For the most part, areas that are currently zoned commercial would remain zoned commercial. The depth back from the highway might be a little less than what it is now. Right now, there is a very wide depth of commercial which is intruding into residential areas.

**Business Park.** This is currently called Office Business. The proposal was to come up with a new name and broaden it out a little bit. The Business Park is proposed to allow for some light manufacturing businesses like food processing, offices, hotels, service businesses, and flex space by buildings. It will not allow warehousing or industrial uses.

**Industrial Commercial Area.** This is mainly on Route 145, north of Walnutport. The proposal is to continue to allow for a range of industrial uses and allow for some commercial uses.

**Resort Commercial.** This is a small area at the base of the mountain just north of Danielsville. It is intended to capture some of the traffic going to the Blue Mountain Ski Resort which is expected to be expanded over the next few years. It is expected to continue to provide for retail stores, motels, restaurants, and commercial recreation.

**Planned Resort Residential Community.** This zone was created a few years ago and is located around the Mary Immaculate Seminary. The intent is that the Seminary building be preserved and provide for a mix of different types of housing, offices, hotel, restaurant, and outdoor recreation uses.

Sewage will continue to be an issue. Central sewage is available in Danielsville and the Walnutport area. They feel it will eventually be needed in Treichlers and are suggesting the Township look for a site to reserve for a sewage plant when it is needed in the future. One of the ways you make a sewage plant cost effective for people who live in the area is to propose

new development next to it and then the new developer helps to pay for the sewage plant, making it more affordable for the residents. This is one of the strategies they looked at for the Treichlers area and are proposing a new area to allow residential development that would hopefully construct a plant and the existing residents could connect for a reasonable fee.

There is an area of small lots located in the Blue Mountain Conservation district that is being proposed to go to Agricultural Rural Residential to recognize what is already there. Likewise, there are existing residential lots south of Danielsville which are also recognizing what is already built. They are recognizing an existing manufactured home park and modular home park in the Medium Density Residential area.

Along Route 248, the depth of the commercial is proposed to be reduced so that it doesn't intrude into residential areas and some of the areas were changed to Neighborhood Commercial because of the existing homes. The commercial along the southern part of Route 145 is very deep and goes into residential areas; they are proposing to reduce the depth. North of Walnutport, on the east side of Route 145, is a new area of proposed Neighborhood Commercial. This is across from the current Industrial.

Phil Gogel commented he addressed the problem of having one lot split between two different zones. One of the lots that is going from A/RR to Neighborhood Commercial and Resort Commercial in Danielsville will split. Charlie Schmehl commented they were trying to capture the current uses which were non-conforming. Phil Gogel commented this a four acre lot owned by an LLC. He is not sure who recommended this change. Mr. Schmehl commented they will make a list of all the issues and come back to the Supervisors with resolution to the issues. They are not looking to have the Supervisors approve the plan this evening.

Phil Gogel commented it is listed in the major goals about the conservation of farmland, yet a 28 acre parcel at the intersection of Mountain View Drive and Bayberry Drive is zoned as Village Residential and there is no water and sewer available. He doesn't want to see this farm being tagged as a place for high density homes. Charlie Schmehl commented this lot is currently zoned as Village Residential; it is not a new proposal. If the Board wanted to change it, they could.

Phil Gogel commented there is a section in the Spring and Deer Path Drive that is being proposed to go from Blue Mountain Conservation District to A/RR. These lots are high density as the lots are not an acre in size and there is sewage available. You would be creating non-conforming lots. Charlie Schmehl commented the A/RR would eliminate some of the non-conformities because the Blue Mountain Conservation District has a 10 acre lot size with larger setbacks. Phil Gogel commented the residents are being forced to have a larger setback with it being A/RR and the lots are already small as it is. If they want to put in a shed, they will have to

follow the new setbacks. Charlie Schmehl noted the proposed change will reduce their setbacks. Phil Gogel commented he believes VR would be more suitable based on the size of the lots. A/RR doesn't make any sense at all. They have public sewer which is the issue because of groundwater contamination.

Phil Gogel commented on Walnut Drive it is being proposed to change the zoning from VR to A/RR. It is already an established Village Residential; he doesn't see the need to change this. This will change their setbacks if they want to put in a shed. Most of the lots are already developed. If one is not, they will be pigeon holed.

Phil Gogel commented on Lehigh Drive by the Lorah's farm is currently commercial. Why would we want to take one spot and go from General Commercial to A/RR when all the other land around it is General Commercial. Why are we singling out that one lot and doing like a spot zoning? Charlie Schmehl commented he believes this was corrected on the latest draft.

Phil Gogel commented he sees 4070, the service station, next to 3973 Mountain View Drive is going from A/RR to Neighborhood Commercial, which does make sense, but two parcels down going West is Green's Garage and that is remaining A/RR. So, are we collectively grabbing businesses and then putting them in Neighborhood Commercial to make them conforming or are we picking and choosing? Charlie Schmehl commented the draft plan did show some additional commercial in the area. They did add additional commercial lots in this area. Phil Gogel questioned if you wouldn't want to take a segment, such as five or ten lots, or a mile, half mile strip and zone it all the same instead of just adding two parcels here or there and then the neighbors having the risk of something moving in they don't like. Charlie Schmehl commented they tried to capture most of the non-conforming uses in that area. Phil Gogel commented there are additional ones down the street, such as the auto sales. Charlie Schmehl commented you won't be able to capture them all unless you want the whole road to become commercial. Phil Gogel commented there is a seven acre lot across the street from Heritage Village that is a swamp and it is zoned Neighborhood Commercial. He doesn't understand, if the goals are to make non-usable lots and make them so that the business can be allowed. Different areas were looked at as far as topography and wetlands, but how do you build on something like that? Charlie Schmehl commented this was carried over from the previous zoning and they didn't propose to change it. Phil Gogel commented there were roughly 180 pieces that were picked out and just decided to change the zoning. Charlie Schmehl commented they looked at areas where there were non-conformities and tried to look to reduce them where possible so that they could have continuous commercial area. One of the goals was to not have strip commercial development where you have a half a mile stretch of commercial on both sides of the road because you create serious traffic problems when you do this because there are multiple driveways, multiple left hand turn. They tried to cluster the commercial where the commercial

was and there were fewer houses. It still provided for plenty of places for commercial, but not having very long stretches of commercial. Phil Gogel noted we are missing a few businesses along that stretch and you are creating spot zoning. There are singled out uses.

Phil Gogel commented in Cherryville where the Post Office is, it is going Village Residential to General Commercial. What was the reasoning for changing the two lots in the area? It seems kind of odd. The Post Office can be in any zoned district and the old farm house next to it is being proposed to go to GC. It seems eclectic of what you are trying to do. You laid out a nice major goal but what upsets him is how much thought was put into this when he sees things like this taking place and who was pushing the directions? Charlie Schmehl commented it was left over pieces of lots. The discussion was to make it General Commercial to clean up the intersection. It is commercial in all four areas. Phil Gogel noted the property he is referring to is 670 Blue Mountain Drive; it is not in the intersection. Charlie Schmehl commented it would be best to have a workshop meeting to discuss these items where larger maps can be available and have everyone looking at the same place to discuss this in more detail.

Phil Gogel commented on Blue Mountain Drive where it is going from Resort Commercial to Blue Mountain Conservation District, you will be devaluing the property values if someone was planning on doing the Country Lodging that was discussed at one of the previous meetings. He knows the area is rocky, if someone has the right equipment, they could do nice things. This area is pretty decent; he has worked on worse areas. Charlie Schmehl commented he would suggest the workshop to review these things in more detail and make the changes that the Board deems appropriate.

Barry Haydt commented it seems to him that we are making this more complicated than it has to be. It doesn't make sense to jump around; we are making it complicated. Mr. Haydt asked Charlie Schmehl for his credentials. Mr. Schmehl commented he has been doing community planning since 1985. He has a bachelor's degree and masters degree in community planning. He has done comprehensive plans and zoning ordinances all through eastern Pennsylvania. Mr. Haydt commented when we are talking about rocky areas and things like that it seems like we are worrying about a Township that we wished we lived in. We have a Township that we live in and that is the way it is so we have to plan accordingly. Not where we wished we lived where they are no rocks or businesses. It's the Township we live in and that is how it has to be planned. It doesn't seem like that is happening; it seems so complicated.

Jerry Pritchard commented he has been meeting with an individual who wrote two of these with highways and interstates, his sister. You push your businesses to your highways and your residential inside and you maintain what business you allow to come into your Township. He is not understanding all that is in between. Push your businesses and trucking to your highways and then bring the residential inside and then manage the businesses that come into the

Township. How we pick and choose which lots doesn't make sense to him. We are rural; that is who we are. We go over to the farm and say you can do this or you can't do that, but how did we pick out a parcel and now say it can't be General Commercial when it has been that way their whole life. We are picking and choosing. Push your businesses to the outside and allow businesses that will bring in some tax revenue and not destroy the culture that you live in. Cindy Miller commented Route 248 runs through the center of Township. If you want A/RR in the center of the Township, should Route 248 not have commercial? Jerry Pritchard commented it should; it is a main artery. You have Route 145, 248, and 946. Push the businesses out and manage what businesses you allow in. Charlie Schmehl commented Commercial and Industrial are proposed for Route 145 and 248. The problem they ran into was that the current zoning had arbitrary distances listed back from the road. These distances are intruding into a lot of residential areas so they were proposing to keep the lots that are fronting along the road in commercial and not include the residential lots that are much further away from the road. There are residential subdivisions that are commercially zoned right now because the depth of the commercial area is so deep. It is an arbitrary distance that doesn't consider lot lines.

Phil Gogel commented he can understand about cleaning those items up, but areas like Walnut Drive and Spring Drive are sections that are high density and making them Agricultural/Rural Residential which is essentially making them non-conforming and going against what you are trying to clean up. He knows he covered a lot of items, but where is the push to do some of this? It doesn't follow the goals. Charlie Schmehl commented one of the goals was to avoid traffic problems and another one was to avoid conflicts between businesses and residential. One of the goals was to avoid heavy intensive commercial in areas where there are a lot of homes nearby. Phil Gogel commented there are homes that are already built in areas currently zoned Village Residential and you want to change them to A/RR. You are going to have the same traffic. It is not going to change anything. It is pretty much what it is. He does agree with what Jerry Pritchard is saying. Route 145, 248 and 946 are all major State roads; let's let the State take care of these roads. Keep the high traffic where it is supposed to be. Charlie Schmehl noted the amount of time it has taken to rebuild the Turkey Hill intersection and the Township had to take on the leadership role for that. Phil Gogel commented the Township should have never gotten involved in that. It is a State Road and tied up a lot of Township time and resources. Cindy Miller commented it did not tie up any Township time or resources. Phil Gogel questioned how we couldn't have spent any time? Charlie Schmehl commented the point is that PennDOT will not make improvements in most cases unless the Township takes the initiative. Phil Gogel commented, no, we took on something that the Township shouldn't have done. Cindy Miller commented Phil Gogel was not on the Board at the time when that happened. Phil Gogel commented PennDOT wasn't going to do that leg and they were going to just do the other three legs. Cindy Miller commented PennDOT was not doing any legs. They were making Turkey Hill do three of the four legs of the intersection. Phil Gogel commented we shouldn't have been involved. Cindy Miller commented Turkey Hill was doing three legs of the intersection. People in the community and the Planners said how do we get the fourth leg

done. We need to get it done. You can't have construction on three legs completed and then who knows when PennDOT would ever address the fourth leg. You are going to have a major intersection in a community that is a major thoroughfare to the Lehigh Valley, as designated by the Lehigh Valley Planning Commission, with three improved legs and one that was left alone. We were advised as a Township, meeting with Legislators, to apply for grants. This is what was advised and brought back to the Township, and the Township said move forward, get the grant and get it done. It was the best thing, and we should have done that. Who knows how long this would have gone on? PennDOT had no money; they were broke. If it was not for the federal dollars that were pumped in by the Federal Government, they wouldn't have had any money. Mike Jones commented he agrees, it needed to get done. Phil Gogel commented it should have been left up to the State and they should have done it when it was developed or in cooperation with Turkey Hill. We shouldn't have taken on a project that was not our business to take on. Cindy Miller commented when she ran for Supervisor and knocked on doors, one of the major points that was said to her was to do something about the Cherryville Intersection. That was one of the top issues when she ran for Supervisors 10 years go.

Brendan Hacket, Blue Mountain Drive. He believes the commented about putting the traffic on the PennDOT roads needs to be looked at more globally. That contradicts the statements of the goals because there already is a traffic problem on Blue Mountain Drive. Blue Mountain Drive is an unsafe roadway. He has a concern about changing the area around the Blue Mountain Drive-In to Resort Commercial. Putting a hotel in that area would not be a good idea. He understands wanting to capitalize on the Ski Resort and any growth they may have, but the infrastructure doesn't support it. You have tight intersection and tons of accidents coming down Blue Mountain Drive. He doesn't believe that whole area lends itself to having a resort. Phil Gogel commented he agrees with him regarding Blue Mountain Drive. He doesn't want Commercial or Resort Commercial and to increase the traffic there. When he referred to State Roads, he was omitting Blue Mountain Drive. In his mind, he was just referring to Route 145, 248 and 946. The traffic on all the roads is a concern. People going 78 miles an hour with a dip in the road and people passing on double yellow lines will only continue. Phil Gogel commented whenever we build out developments, it is a cost. It creates more pressure on our Police Department and Road Department. We have to come up with more money. The tax revenue does not compensate for the increased pressure on our departments. We need to have a bit of commercial activity to handle the base load for taxing so we can afford to pay our people and get things done. Our road budget is very slim; it is pitiful. We have been trying to do better, but without moving towards getting some commercialization, we are not going to success and have to raise taxes. He doesn't want to raise taxes. He would rather grow organically. Mr. Hacket commented the other side of the mountain is getting the benefit of the resort and none of it hits the Township.

Charlie Schmehl provided a brief explanation of the requirements of the Municipalities Planning Code and the requirements to a municipality. In general, we are supposed to have a place that involves every legitimate land use. You are supposed to have a place to put apartments, town houses, concrete plant, warehouse, etc. Every single use is supposed to have a place where it can go within the Township. You also need to allow everyone to have a reasonable use of their land based upon the features of the land. If the land is steeply sloped, you wouldn't have to allow for as much development as you would on land that is prime for development. There are rules that need to be followed in fairness and procedure. We cannot be exclusionary. We cannot say the entire township is one acre lots with single family homes and nothing else. These different uses have to be balance out so that we can provide for all the needs.

Brian Klock, Municipal Road, questioned if there is a timeline to get to the completion of this process. He sees there was an initial document in June of 2021, then minor revisions in December. He is now hearing that there will be another meeting to work things out. Charlie Schmehl commented it could be completed within a month depending upon how many issues there are. It is normal through the public meeting process to have issues arise that need to be addressed. That is why you have the public meeting process. The Planning Commission spent a lot of time on this, but there is still time for additional discussion. Mr. Klock questioned if there will be another public meeting after the working meeting. Charlie Schmehl commented another formal public meeting will only be required if there are substantial changes to the plan. If there are a few lots that go back and forth, that would not be a substantial change. The workshop would also be open to the public and advertised as well.

Kristin Soldridge questioned what would happen if the proposed changes were to go through and someone would want to contest it. What are their rights to contest the changes? Charlie Schmehl commented most people would challenge the zoning. Most people don't bother challenging the comp plan because it is not binding upon the Township. After the comp plan is done, the recommendation would be that the Township consider zoning changes to carry out the plan. People can challenge a zoning change if they wish and there are rules that govern that process. Kristin Soldridge questioned if Mr. Schmehl attends the zoning meetings. Mr. Schmehl commented he has only been coming to the Planning Commission meetings. Ms. Soldridge commented there are a lot of people in the Township that have concerns about the way the current zoning is going and the amount of additional work and money they have to pay out to get additional permits and going in front of the Zoning Hearing Board for relief. Her concern is if something like this goes through and people don't understand how this can impact their property, down the road people can say they are grandfathered, but we have heard numerous times that grandfathered doesn't technically mean grandfathered. If that person goes to change something on their property after these zoning changes have been approved, they can potentially be required to pay additional money to go before the Zoning Hearing Board and then it can potentially be denied. Mr. Schmehl commented there will be at least two more public meetings before the Township can change the zoning. That gets into the details and there

will be opportunity for comment at that time. He would hope that one of the goals of the zoning update process would be to look for things that can be streamlined or routine changes to businesses or homes and make it easier to do things. For items such as sheds, there shouldn't be a large setback; they typically recommend three feet across the board. Making it easy for people to add decks or room to their house should be reviewed as part of the zoning update to make sure we are not overregulating things.

Kristin Soldridge noted one of the goals referenced public water and sewer services. She personally lives close to where the water and sewer hookup is and she doesn't want that. She is certain there are a lot of people in the Township also do not want it. They don't want to have to pay for water or sewer. It is a little concerning to her if we are trying to stay rural and one of the goals it to push public water and sewer. We don't have the facilities to accommodate what we already have and the Township is going to be required to work with a developer in purchasing property to create another sewer plant to accommodate increased development growth. The Federal Government is pushing high density housing so that they can incorporate HUD housing and other housing to overrun certain cultures in areas of the Country. To her, this will open the door to that and she doesn't know if people of this Township want to live in that type of residential community either. If we wanted to live in the city, we would go to Northampton, Allentown, or even Palmerton. People here have bought properties so that they don't have to worry about people peeping in their windows and seeing what they are doing. It seems like some of these goals are too far ahead of Lehigh Township and the way some of the residents want the community to stay. She understands there are regulations, but Lehigh Township is the way it is because we have remained steadfast to what Lehigh Township is, a rural community that entices families to be here. We have a brand new elementary school that kids are learning in. We want to make sure our way of life stays the way it is and is not changed because of outside forces. It's concerning that an outside force that will allow an easier way for changes to occur in a way that we all do not agree with. Once those changes are approved, there is nothing we can do as a community to go against the Federal Government. Charlie Schmehl commented the plan is to have the sewer in a very limited area of the Township. The main place where they envision a new sewer plant might be Treichlers. That would depend upon funding and a lot of other factors. It may be 50 years in the future. They are just suggesting the Township plan for that. They think it is going to be there because of the size of the lots and the density and flood plain. The vast majority of the Township would continue to have on lot well and septic. The density of the Township is mostly set up that it would be on one acre lot sizes and you can't efficiently build sewer with a one acre lot size. The capacities of the plant is not that large either. In all likelihood, the vast majority of the Township would not be sewerred. There are some areas around Danielsville that would allow for the extension of the sewer system. There are some plans to hopefully extend lines out of Walnutport to allow for some additional business development, but as far as big new housing developments with public sewer, that is not being proposed.

Cindy Miller commented if the Federal Government comes in and tells us we have to do it, we have to do it. That's what happened with Danielsville. The septic systems in the area failed and DEP came in and said we must do something and mandated that the Township had to put in the sewer. It wasn't that the Township wanted to, they were mandated. She is not advocating for the Federal Government. She doesn't want them coming in and telling us how to do housing, but she is making a statement that if the Federal Government decides they are coming in anywhere, they will do it and there is nothing we will be able to do about it. They did that with group homes. The Federal Government said they had to be permitted in certain areas and we could not get around it. We were sued over that. She wants to make it clear that if the Federal Government is coming in, they are coming in and it is not the Township. Charlie Schmehl commented the Federal Government's involvement currently in land uses is rather limited. It is mainly limited to religious institutions and disabilities. The Federal Government typically does not get involved with land use decisions. Attorney Backenstoe commented traditionally, that is true. People have been talking about the potential for that to happen but no one knows that for sure. Cindy Miller is also right that we did get sued over how group homes were listed in our ordinance. Our ordinance was drafted which under the law at that time permitted group homes as special exceptions and certain criteria they had to meet. This was all permitted under the case law. What had happened was the case law changed and we were sued. We ended up having to redraft our ordinance to be in compliance with what the Federal Government and the suing party felt was consistent with Federal Case Law. We now have to permit group homes under certain circumstances in areas where regular residential family homes are permitted. The consequences or fines of not following this could be hundreds of thousands of dollars if you said we are not going to comply. By and large, the Federal Government doesn't come in and regulate land use itself, but you don't know what the Federal Government could go to or change to. In addition, you also have the State Courts and Federal Courts who look at these things and dictate what the whole country can do as far as zoning and group homes. The fact that everyone is hearing different opinions is not a bad thing. The residents are represented by the five Board members who take their positions very seriously and each one has different ideas and concepts to bring to the table which is what this is all about. You also have a Planning Commission who has worked on this for about two years or so trying to outline concepts that they believe are important and now the matter is moving from the Planning Commission to the Board of Supervisors. Ultimately the Board has to make the decision so each Board member wants to be well versed and understand the issues. The fact that there are differences does not really concern him as Solicitor. He would be more concerned if it was just rubber stamped.

Attorney Backenstoe commented there wasn't much zoning in the 30's and 40's. There was a haphazard scattering throughout the country and Pennsylvania. In 1969, the Pennsylvania Legislature adopted the Municipalities Planning Code. What this did was try to take haphazard clusters of whatever municipalities thought was appropriate at the time and make a uniformed statute for it. The Municipalities Planning Code spells out what townships, boroughs, and cities

can and can't have in their zoning. They do this with a three prong approach. First, they provide for a comprehensive plan which is what we are looking at tonight. The Comprehensive Plan is an umbrella under which your substantive statues can be adopted. The Comprehensive plan is important because it is a vision of what you hope your township will look like. You do your best to put the different uses in certain locations. Some Townships are challenged in doing this because some of the uses existed years and years before the legislation that went into effect. The Township couldn't just take a blank canvas and say this goes here and this goes there. It would be great, but it is not reality and that is not the way any township has been set up. They take the best approach they could and created the first comprehensive plan. The Municipalities Planning Code also provides that a municipality shall review their comprehensive plan every ten years. The Comprehensive Plan provides goals and concepts. You need to look at overall community planning. Once you have your comprehensive plan or amended comprehensive plan, you then get into your substantive land development regulations, the zoning ordinance which regulates the types of uses you can have and where they are or your zoning districts, and the subdivision and land development ordinance which talks about laying out subdivisions and land developments, your streets and how streets are to be implemented and developed. These are the ordinances where most of the litigation occurs. If the Township adopts a zoning ordinance or amends a zoning ordinance, people may not like the ordinance and they can file a substantive validity challenge. The MPC sets up several venues in which this can occur. You can file a substantive validity challenge to the Board or to the Zoning Hearing Board depending upon what you feel is most appropriate for your challenge. If you file a challenge to one of these boards and you are not happy with the result, you can file an appeal with the Court of Common Pleas in Easton. If you don't get a result there that you are happy with, you would have the right to file an appeal to the Commonwealth Court.

Ken Joseph questioned what the overall benefit of the plan is to the community. Cindy Miller commented the benefit of the revised plan is that they looked at the community and made updates. They are not making a lot of major changes. The law says they are supposed to look at the plan every ten years and update it. Our community has not looked at it in 20 years. It's not just looking at the Comp Plan, it's also looking at the zoning and the land development that goes along with the Comp Plan. Her concern with not updating the zoning, is that we are going to have developers come in and want to do things that we are not prepared for to regulate that use way it needs to be. Not doing this would be a detriment to the community, not a benefit. To her, working on this comp plan, it is a minor adjustment. It may be major to some parcels, but she believes as a community we need to look at updating to where we need to be. You can see what is going on in the Valley. We are the next community where the sprawl is coming. She wants to be prepared for what that may mean. Mr. Joseph commented he agrees with being prepared for the growth; things change around you all the time. He was looking for more of a tangible benefit. As the community grows and there is more traffic on the road, there is more wear on the road, what will that do to us in tax dollars? Cindy Miller commented when you

look at the map, there are not any major changes, but we do need to allow for commercial growth in the community; she is not referring to overgrowing the community, but there needs to be some growth. Residential development alone cannot support a community when it comes to taxes. That is why they look at the map and look where it makes the most sense for commercial development. People also need to realize that the State passed a law last year that said any truck can travel on any road in the State system, not just State roads, local roads as well, which means we must maintain those roads. We tried to push back, but the only way to do that legally is to put weight restrictions on the roads to keep the heavy trucks off the road, but the law tells us we have to conduct engineering studies which costs money to the Township and the community. No matter what the Township does or wants to do, they are pushed by unfunded mandates or something else occurs so we move forward progressively. To her, the plan is more of a vision and what the residents want the community to be. Most of the people she has talked to have said try to keep it as rural as possible. They know we need some commercial, but try to keep it as rural as possible. That is why they live here. Sitting on the Planning Commission, when they looked at the Plan, they are staying mainly to one acre lots. If people want it to be two or three acre lots, they need to let the Board know. This is the plan for the community and it is up to the Board to carry out the wishes of the community. Mr. Joseph commented he would like to see some agreement with developers that they absorb unforeseen or major costs that result because of the developing of the Township. Cindy Miller commented there are some areas where developers do have to pay fees. They do pay a Recreation Fee, a Traffic Impact Fees to help pay for roads. Transportation is also built into the plan as well.

Attorney Backenstoe commented he hears the point of developers coming in and costing more to the Township with additional police protection, fire protection, and how are we going to make them pay. Unfortunately, he doesn't have a good answer because the Municipalities Planning Code, which is prepared by our Legislature, tells what a Township can and can't assess against a developer. There are certain things, such as Rec Fees based on the number of lots or open space for a park, an immediate impact along the property owned by the developer, the developer would have to improve the road to Township standards, require them to maintain certain things. What you can't do, is require them to pay for improvements off site. If you have a large development in one area and you know it is going to cause problems with an intersection down the road, you cannot require them to improve the intersection. The law does not allow townships, cities, or boroughs to assess a fee for that type of improvement. There is an exception, which Lehigh Township has exercised that right, called a Traffic Capital Improvements Ordinance in which a study is conducted where you identify areas which could have a serious impact in traffic by development. If you do this study, you are able to assess funds from a developer for those offsite improvements. This Board has done what they are legally able to do to assess fees against developers when they come in.

Jerry Pritchard commented we need to allow developers to come in and work with the Township to make it beneficial to the Township. If we don't allow the money to come in, we can't afford the wish list. You also need to regulate the developers that you allow to come in.

Dave McKeever, South Myrtle Road, commented there are six lots along Blue Mountain Drive that are being proposed to be rezoned from Resort Commercial to Blue Mountain Conservation District. By doing this, people won't be able to do anything with their property because it won't meet the criteria. He owns one of those lots that he has paid taxes on for 30 years and now it will become valueless. Why was this little piece taken out of the Resort Commercial area? Phil Gogel commented that is why he asked whose idea it was earlier. This is what he doesn't want to see happen. Politicians put up smoke and mirrors, shine it up and you don't know what you have at the end of the day. That is why he wanted to bring out the problems he saw. He doesn't believe anything was done maliciously and a lot of thought went into it, but maybe we need to go in a different direction. Mr. McKeever commented he knows slope was discussed in the area, but where these properties are, slope doesn't come into play. Mr. Schmehl commented he believes the change for that area was because of the difficulty in obtaining driveway access at the sharp curve for a commercial use. Phil Gogel commented speed determines what the site distance is when you go for an HOP, and he knows in the past the speed limits have been reduced for development so they could meet site distance. Mr. Schmehl commented most people tend not follow speed limits. If you look at it from a safety perspective you need to look at the actual speeds people are driving. Phil Gogel commented the ability to get an HOP goes by your being able to meet the criteria in the box.

John Borbacs, 3713 Magnolia Drive, one of the major goals of the plan is to provide for safety of motorists, bicycles, and pedestrians, and properly manage driveway access along major roads to allow the roads to safely and efficiently carry the traffic. Mr. Borbacs noted the visible distance to some of the roads in the Township is a problem. In particular, Mountain View Drive where Maple Drive intersects. The buses from the Carbon Lehigh unit are constantly coming up the hill and visibility from Maple Drive is poor, especially when it is foggy in the morning. You just don't have the site distance to see traffic coming from Walnutport. An easy solution would be to have it as one way in. All other traffic should use Main Street to get to Mountain View Drive. If a major goal is safety of the roads, the traffic patterns of Lehigh Township should be reviewed and corrected. Mike Jones noted that Maple Drive is a State Road. Mr. Borbacs commented the Township can work with other agencies rather than being complacent. Mike Jones commented when you talk the State, they really don't care what the Township has to say.

Josh Lorah, 4739 South Cypress Road, commented it is being stated that the property at West Mountain View Drive and Hickory Road will be turned into a business park. It is going from Office Business to Business Park. Why single out one farm in the whole Township to go to Business Park when there is ground along Route 145 or all over the place that would be better. Mike Jones commented it has always been zoned Office Business. Charlie Schmehl commented

the zone was renamed because it is intended to allow for a few additional businesses uses. By calling it Office, it is limiting. Phil Gogel commented Mr. Lorah is also saying there are farmlands that have water and sewer nearby that would be more suitable. Mr. Lorah commented there is ground everywhere in the Township. Why just pick on that one spot?

Cindy Miller commented it has been zoned that way for many years. It has the potential to have water and sewer brought to it. Mr. Lorah questioned why not include the farmlands along Route 145. Cindy Miller commented that area is zoned General Commercial. There are different uses that are allowed in the different zoning districts. You need to decide what type of uses you want where and through the MPC we have to permit all types of uses. Mr. Lorah commented one of the goals is to promote agriculture, but if you zone it for commercial you are promoting a developer to come in and level the property and put in whatever he wants. Why not keep it as agriculture? Cindy Miller commented we need to provide for Office/Business type of uses. Mr. Lorah questioned why it would be limited to just that one farm. Why not include other area? Cindy Miller commented there is easy access to water and sewer for that area. Phil Gogel commented he agrees with Mr. Lorah. There is actually water and sewer by Heritage Village. The water would come from Heritage Village, but the sewer is the Township's. There is a planned development to go in there, but something like that is excellent for what is being said. The Business Park area doesn't have to be on West Mountain View Drive. It can be down the road a bit where there is water and sewer available. That's where it should be. He made several suggestions over the years, but they haven't been taken back to Planning. Jerry Pritchard questioned if you wouldn't want the Office Business to be in an area where there is water and sewer than an area where it is not. Cindy Miller commented a developer who is looking for a place to come in will be looking for water and sewer. If it is not there, they won't come in. Charlie Schmehl commented the water and sewer could be brought up from Walnutport and Slatington does have the capacity at their plant. Phil Gogel commented no one wants to buy water and sewer from another municipality. There is water and sewer available on Rt. 946 by Heritage Village. Cindy Miller commented there is going to be a housing development there. Phil Gogel commented the development is not yet there and the area does have potential. Things can change.

Lisa Hassler, Hickory Road, commented she does have concerns with the area along West Mountain View Drive being designated for Business Park. Ms. Hassler questioned if there is a specific amount of acreage that must be allotted for the different types of zoning. Charlie Schmehl commented there is no hard and fast number. It has to be a buildable location that allows the different types of uses. The property does not actually have to be built upon. If a landowner does not want to sell his property, that is his right. Ms. Hassler suggested the Business Park be located across the street where the General Commercial is. Her concern is with the intersection of Hickory Road and Maple Drive. The site distance there is a concern and if you add additional traffic to the area, it will become a problem. There is also a lot of water that comes off that farm and there will be major water issues in the area. Cindy Miller

noted that when a developer comes in, they have to do stormwater management, such as installing detention basins, to control the water. This is something that would be looked at when a developer comes in. They would also have to provide a traffic plan. Ms. Hassler commented the Hickory Road and the intersection at Maple Drive can't handle the additional traffic that may come that way to get to the development.

Adam Ash, Friars View Estates, commented he grew up on Hickory Road and worked on Stumps farm growing up. Water there is a serious issue. The traffic flow on Hickory Road has picked up ever since the developments and more houses went in on Long Lane and Birch Road. Everything has increased traffic flow. If they build any type of business on the farm, which was probably zoned that way when Mrs. Stump got sick and Bill Stump needed to do what he had to do to pay for the hospital expenses, but if people are going to be coming from the Treichlers area, they are not going to be traveling down Route 145 to 946. They are going to be going on Birch to Maple to Hickory. The intersection of Maple Drive and Hickory Road is dangerous. You can't see around the corner. You will end up having to put in a traffic light at that intersection.

Adam Ash commented one of the things we are trying to do with this comp plan is to bring properties that have been grandfathered in into conformance. Waynard Neff who has the auto sales and repair off of Nectarine Road, asked Mr. Ash to speak on his behalf. He and his family have been operating a business at 1356 Nectarine Road for the past 50 years doing automobile repair and sales. They would like for 1356 Nectarine Road to be moved into General Commercial and then have the center apron by Holly and Route 946 be zoning as Neighborhood Commercial and then across the street there is a parcel on the other side of Route 946 that would also be Neighborhood Commercial so that they can have auto sales on those two lots. Kristin Soldridge commented she disagrees with this. She live across the street. That island is wet. You won't be able to put anything in there because there is too much water that flows in there. When we get torrential downpours, three sides of her property is flooded and it runs into this area because of the huge drainage pipe. She has spoken to both Earl Neff and Waynard Neff and let them know they need to get approval from the State to access Route 946 from the property across the street. The State will not approve that because of the slope of the road and the way it is banked. Her house is right there. She doesn't want any business in front of it. She intentionally put up arborvitae to cut down on the traffic noise and to make sure her kids don't get hit because people fly like idiots off the main drag and the Police Department doesn't do anything about it, even though she and others have requested it. On top of that, there are trucks that come in and jake brake at 4:00 a.m. and cause all kinds of ruckus and everything else. She wants her house to stay as quiet as it can be. She understands that Waynard Neff wants a business, but she sees his business every day. He doesn't have that much business coming in. There are also some other zoning issues with that property that they are not aware of because they haven't come to the Township to talk to them about changing anything there. The area is soaked when it rains because of the drainage. Phil Gogel commented when he spoke with Earl

Neff a while ago, he did mention that when his father owned it, they had auto sales there, but for some reason he was told he couldn't have it; it is something that needs to be discussed. Adam Ash commented the portion that is owned by the Neffs is high and dry. The other area is what is wet from stormwater runoff. The part he owns is useful and applicable. Mike Jones commented we are not here to pick and choose for individuals. If there is a legitimate business on a parcel, it is something the Board can discuss, but we can't just spot change because someone wants their property changed that way. Adam Ash commented the apron of Holly was used at one point for auto sales, but at some point, someone complained and they had to wait until it got changed in the zoning. Now, here we are 20 years later. Kristin Soldridge commented the property does not meet zoning now. It is a nonconforming use. There is a modular, an existing house, and a business all on one property. Phil Gogel commented that is all grandfathered because it has been there for years. Kristin Soldridge commented that just because something is grandfathered doesn't mean you have to change everything else.

Bill Jones commented it was stated about having GC along Route 145 and 248. Are we looking to narrow the area? Mike Jones commented the zones are being changed to follow the lot lines rather than just having a set distance back from the roadway. Bill Jones commented his concern was if too much of the GC zoning was removed, it would affect the businesses. Mike Jones commented the lots with businesses on them would be remaining. The depth of the GC that went into the residential areas is what is being removed. Bill Jones commented the warehousing is migrating. He is not sure if it will move to Lehigh Township. Cindy Miller commented warehousing is only allowed in the Industrial district. Years ago, it was allowed in all commercial zones because at the time, a warehouse was viewed as something similar to what R & S has. Back then, we didn't have the large warehouses that are going in. Once they realized what was happening in East Allen and Allen Townships, the Planners and Board of Supervisors changed the zoning so that it would only be permitted in the Industrial. Mr. Jones commented he believes warehousing should be located around Route 33 and Route 78. Cindy Miller commented the problem is the Township is required to include warehousing in our ordinances. Charlie Schmehl commented the Township is not required to allow the million square foot warehouses; you can regulate that with ordinances. That is why you do planning and zoning, so that you can put yourself in a good defensible position so it is hard to beat your zoning.

Michael Hock, ~~4797~~ **4749** North Cypress Road, questioned the changes being made from VR to MDR and if there is an expected development. Mike Jones commented he is not understanding why that change is being made because the development is already in place. Charlie Schmehl commented it is recognizing what is in place. We need to have a place for manufactured and modular housing. It is already going in so we get credit for it. Mr. Hock questioned if it is a requirement by the State to have the manufactured housing. Charlie Schmehl commented, yes, there must be locations where it is allowed to build manufactured home parks. You are supposed to have places available at all times that allow the use so they recognized the ones that are existing and that makes the Township more defensible if someone requested it. Mr. Hock

commented it was stated that one acre lots were going to be the standard and was confused as to why we were switching to five to six per acre. Charlie Schmehl commented the zoning was already in place for that use. What is being proposed is different terminology for the same effect. It doesn't change anything.

Attorney Susan Bucknum, representing Edgar Lorah Jr. and Lorah Farms, was present to address issues with the Lorah Farms parcels, inaccuracies, and their objections to the zoning changes on the plan. The map that shows the preserved farm and ag easements has an error. Not all of the parcels are part of the ag easements. This map should be compared to the map from Northampton County Farmland Preservation. The Existing Land Use Map has the two parcels designating the use as single family residential. The one parcel has the Commercial Recreation and the other is a field. The draft Comprehensive Plan Map is identifying the ag easements in brown as if they are a zone. An ag easement is not a zoning district. Charlie Schmehl commented the ag easement areas would be part of the A/RR district, but for the purpose of the comprehensive plan, the primary emphasis is that they are already preserved and limited to agriculture. Attorney Bucknum commented it looked like they were being identified as a zoning district. Charlie Schmehl commented not everything on a comprehensive plan is intended to be a zoning district. Attorney Bucknum commented an ag easement is a contract between a private land owner and whatever entity purchases that easement from them. Unless the Township is the party which purchased that easement, they have no business with that ag easement as far as making decisions regarding zoning or anything. The restrictions on an ag easement are dictated by State law and in this case, the County rules. It seems as though the township is making decisions based on the fact that her client happens to have an ag easement on his parcels. The existing zoning for these parcels is all General Commercial, but on the proposed draft plan, a parcel that is part of the Lorah Farms, and not preserved by an ag easement is being rezoned to ag and not being kept in General Commercial even though it is surrounded by General Commercial. The ag easements should not be used to determine the zoning and her clients parcels are specifically called out. It states "A substantial area of land along both sides of Route 248 northwest of Berlinsville has been permanently preserved as farm land and should be removed from the commercial category." This is specifically her client's property. ( Page 15, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence). Charlie Schmehl commented he would suggest the parcel that was erroneously identified as an ag easement could go back to General Commercial. Attorney Bucknum commented it is very unusual to specifically identify a particular property in a Comprehensive Plan that is supposed to be used for planning for the whole Township in the future and saying that because it is an ag easement it should be removed from General Commercial. It should remain as General Commercial because this property, the piece that was not preserved, was just approved as a General Commercial use for a Commercial Recreation Facility. The land that is used for parking for this facility is preserved land. The Bureau of Farmland Preservation approved that to be used for parking and still maintain the ag preservation. It is really not the Township's business to say this is preserved and we should not allow it to be zoned General Commercial because you don't know what is going to happen in

the future. The Township does not have the authority to do that. The Township is not a party to an ag easement. Phil Gogel commented the question is, who pushed for that? Charlie Schmehl commented the discussion at the Planning Commission meeting was, it was a shame that land got preserved because it was a good commercial site. The idea was, typically, the easements do not allow commercial uses. Commercial Recreation is a peculiar use that is often allowed in an Agricultural Rural Residential area. He does not see any harm in changing in back to a General Commercial area. It is still limited by easement. Phil Gogel questioned who the person was that made the suggestion? Charlie Schmehl commented he didn't recall who the person was Phil Gogel commented he follows the Planning Commission minutes and didn't see anything about this; they must be wrong. Charlie Schmehl commented the discussion was that they didn't think that the vast majority of commercial uses would be allowed under the easement because your limited to agricultural uses and agricultural tourism. Agricultural tourism is typically allowed in an A/RR district. Shopping Centers, big box stores and other commercial uses would not be allowed under the easement; therefore, they assumed that the General Commercial district was no longer applicable. Commercial Recreation kind of falls in between the cracks and for that reason he doesn't see any harm in changing it back to General Commercial. Attorney Bucknum commented that is the point she is making. You are saying the decision is being made about how to potentially rezone this based upon what the Township thinks the restrictions are under an ag easement which is not under the Township's authority at all. Charlie Schmehl commented he does not see any harm in keeping all of this property in General Commercial. If the Township is okay with keeping everything as General Commercial, the issue is resolved. Phil Gogel commented he doesn't like the way it was targeted. Charlie Schmehl commented it was not targeted. 99 percent of commercial uses are not permitted under the easements. Phil Gogel commented it appears that way when you carve out a parcel, it doesn't fly with him. Attorney Bucknum commented it is very unusual for her client to be specifically called out in the Comprehensive plan. Charlie Schmehl commented it is because it was a large commercially zoned piece that there was discussion about and people regretted that it couldn't be commercially developed. Phil Gogel commented the map sets for the path for zoning. You are charting a course and he doesn't like the way it is going. Attorney Bucknum commented they were here at the meeting to ask this be returned to General Commercial because that is what the zoning map will be following.

Attorney Bucknum commented she also didn't hear mention at this meeting that the draft of the Comprehensive Plan is to be sent to the Northampton County Planning Commission 45 days prior to the meeting. Charlie Schmehl commented it did go to the Lehigh Valley Planning Commission and a review letter received. It also was sent to the neighboring municipalities and school district. Attorney Bucknum commented with what she has been hearing in regard to her client's property as well as other comments, she believes there will be substantial changes to the plan and another public hearing will be needed.

Keith Hantz, Cherryville, questioned why the plan went to the Lehigh Valley Planning Commission already if there is an informational meeting for changes. Charlie Schmehl commented you can do more than one review if you want. You wouldn't be able to hold a public hearing without sending it to them 45 days in advance of the hearing. Phil Gogel commented this is not a hearing; there is no stenographer. Charlie Schmehl commented this was advertised as a hearing; there is no requirement for a stenographer. Keith Hantz questioned why you wouldn't wait until after this meeting then send it to the Lehigh Valley Planning Commission with the changes that are proposed. Charlie Schmehl commented the Township can do a second review which is often done. Mr. Hantz questioned why the first one was done. Charlie Schmehl commented you can't hold this hearing until the first one was done. Keith Hantz questioned what the review from the Lehigh Valley Planning Commission said and whether the Board had the review letter. He thinks in some ways, the cart is being put before the horse for this. Where is the review letter? Alice Rehrig commented she didn't recall seeing a letter from them. Jerry Pritchard commented he is not a fan of the Lehigh Valley Planning Commission, but agrees we shouldn't be prematurely doing this. He doesn't understand why the Supervisors couldn't meet as a Board without this going to the Lehigh Valley Planning Commission. Charlie Schmehl commented you wouldn't be able to hold a public hearing without it going to the Lehigh Valley Planning Commission for their initial review. Keith Hantz questioned why it wasn't provided to the Board for the hearing. Charlie Schmehl commented he assumed it went to the Township as they are carbon copied on the letter. He will make sure it goes out to the Supervisors. Phil Gogel commented it would have been nice to have it before the hearing; we are wasting money here with holding the special meeting.

Keith Hantz commented he saw in the Planning Commission minutes the 180 people were to be sent letters for tonight and questioned if they were sent. Alice Rehrig commented they were not notified. Keith Hantz commented Cindy Miller stated at the Planning Commission that letters were going to be sent and there was going to be a robocall. Cindy Miller commented the Board reviewed all this at their meeting. Alice Rehrig commented at the last meeting it was agreed that instead of letters and the cost of robocalls, it would be posted to the various Facebook pages. Jerry Pritchard commented the law requires it to be advertised in the main source of advertising. We went by the law. Keith Hantz commented Attorney Backenstoe explained it very well at a Township meeting why you don't have to send the notices for a comprehensive plan, but he is just going by the Planning Commission minutes where it states that Cindy Miller said all 180 people would get letters. Cindy Miller commented it was talked about as a Board, there wasn't enough time to do letters and were going to do robocalls but decided against that because it would cost almost \$1,000 to do robocalls, so it was decided it would be advertised in various places and put on the sign board. Charlie Schmehl commented the notifications are required at the zoning level. Keith Hantz commented Attorney Backenstoe had made that very clear. He is only going by the Planning Commission minutes and what Cindy Miller stated at the meeting. Cindy Miller commented the Planning Commission is an advisory board; it is up to the Board of Supervisors. Phil Gogel questioned why the statement was made at the Planning

Commission meeting. Keith Hantz commented a statement was made at the Planning Commission meeting and none of it went by what was said. The minutes state Cindy Miller states that this is a hearing and there will be a stenographer (which there isn't) cross examination, cross examination of witnesses if there are any and Charlie Schmehl will be present to give a presentation. This will be heavily advertised since the Board has been accused of making changes without letting residents know, even though the Planning Commission has been working on this for over a year. The minutes also state that a Board member stated he is voting no for the plan, but the Board is planning on making a robocall, publishing it in the papers, and 180 parcels will be getting a letter. Cindy Miller commented she was just reporting out what the Board was planning at that minute. Keith Hantz commented we are supposed to be able to read the minutes and believe what is in them. Cindy Miller commented she said what she said, because prior to the Planning Commission meeting, that is what the Supervisors decided and reported what was told at the Supervisor meeting. The Supervisors then decided they were not going to do that; there wouldn't be enough time. Keith Hantz commented he still believes that the people whose property is going to be affected should be contacted. He stills believes there are other people who are unaware, like in the case of Mr. McKeever. He is right, that is a case where you will be devaluing someone's property with what you want to do.

Attorney Bucknum wanted to be clear that the MPC requires you send the plan to the County, neighboring municipalities and school district and the governing body cannot act upon such plan until comments are received from at least the County and you take their comments into consideration when reviewing the plan. Attorney Backenstoe commented Section 300 of the MPC talked about how you adopt a comprehensive plan. This comprehensive plan does comply with a lot of the provisions of Section 301. It identifies land uses, housing uses, objectives of the ordinance, plans for community facilities, statement of interpretation, discussion of how you are going to implement short and long term goals. The Planning Commission while they are in the development phase is supposed to do surveys, analysis of housing, demographics, and economic characteristics of the Township. He is assuming this happened since the Planning Commission has been working on this for almost two years. After they develop some type of proposed plan, they are supposed to send that draft to the County, school districts, and any contiguous municipalities and give them 45 days to respond. Section 302 talks about the specific requirements for the Board. Before the Board can adopt the comprehensive plan, the Planning Commission must hold at least one public meeting before sending the comp plan to the Board of Supervisors. The Board of Supervisor when reviewing a proposed comprehensive plan must consider comments from the County, the neighboring municipalities, and the school district as well as public meeting comments at the Planning Commission. The Board of Supervisors cannot consider adopting a comprehensive plan until they have considered all these comments unless comments are not provided. Next, the Supervisors must have sent the plan to the County and the County must hold a public meeting at which they take comments and the Board must also consider these comments as well. Assuming all of these things have taken place, then the Board has to hold a public hearing which is defined as a meeting which is held

pursuant to public notice defined in the MPC as two successive weeks in a local journal or newspaper not more than 30 days before the meeting and no less than seven. There is not a requirement for a stenographer, but you can have one if you would like. Once all of these items has happened, then the Board can vote to approve the comprehensive plan. If, at the hearing, there are substantive changes to the plan, it cannot be adopted that night and must be readvertised and another public hearing be held. Once everything has been finalized, the Board must adopt the plan by resolution and the resolution must incorporate maps, charts, text and any other important information which is brought to the Board's concern.

Charlie Schmehl commented the Lehigh Valley Planning Commission letter is dated February 25 and addressed to the Planning Commission and copies received by the Manager, Attorney Backenstoe, and himself. It is possible that the mail got messed up and he will make sure the Township gets a copy of this tomorrow. The substance of their review was they suggested a number of items of text be added, a correction to the ag easement, but did not have any substantive changes to address. The main tone of the letter was to please add this sentence here, this sentence there, please note this policy there. It was mainly the recommendation for additions to the plan. Attorney Backenstoe commented he didn't receive his copy. Charlie Schmehl commented he assumed everyone received their copy when he got his; otherwise, he would have brought copies.

Jerry Pritchard noted their Lehigh Valley Planning Commission is advisory; it is not the where all, say all. Charlie Schmehl commented the plan is supposed to be generally consistent with the Lehigh Valley Plan. The one thing they did not highlight is that their plan actually shows agricultural preservation zoning for much of Lehigh Township, which is where you would limit housing to one house to 20 acres, which the Planning Commission never suggested and they didn't raise it in their review letter.

Phil Gogel commented he finds it sad that Mr. Lorah has to spend all this money on an attorney to be here at the meeting and comb through everything to make sure his rights are not abused. We should try to do a little better.

Jerry Pritchard commented the Planning Commission put a lot of time into this. Phil Gogel commented he is not ignorant to what is going on here. Jerry Pritchard commented the Board needs to look through this and say right or wrong, but we need to have a little respect for our Planning Commission. He sits on our Rec Board and they do a lot of things and sometimes they come back and they are not right. That's why we have these meetings.

Cindy Miller commented these planning meetings were open to the public. The comp plan meetings were open to the public and every Board of Supervisor knew when those meetings were. That would have been a time for the Board to come and express how they felt through the

process instead of waiting to the very end that we are now reviewing everything. Jerry Pritchard disagreed. That is why you separate the Board from the Commission. The Board needs to be separate; they are not the Planning Commission. The Planning Commission brings it to the Board and they either approve or disapprove it. That is how Boards work. Cindy Miller commented when you have a comp plan meeting it is open to the public and the Board is invited. Jerry Pritchard commented they are invited, but they don't have to be there. Cindy Miller commented the point is, if people were so concerned about the comp plan and what was going to be in it, you come to the meeting so you can give your input. It is easy to criticize what was done. Phil Gogel commented it is the smoke and mirrors. He will explain it when given his opportunity. Edgar Lorah commented if the 180 people who were getting changed were notified, they would be fine with it. Most people in the Township work two jobs and don't have time to come to meetings. He should be at work now; he's losing a night of work. If people were notified it would have solved the problem and saved him a lot of money.

Phil Gogel commented he went to the one meeting that the Board was invited to and Cindy Miller used it against him when he wanted to be appointed back to the Board of Supervisors. She picked and chose the worse things. He wanted to have certain areas expanded like the Resort Commercial so that we can get little impact on the Township and generate revenue, but she went and picked and chose things so she could attack him during a public interviewing process. Now, those minutes to the Planning meeting were not fully encompassing everything he went over. He went over a lot of things. Even as far as the quarries and everything around here and possible water contamination. He went over a lot of different things and that was not in the minutes, but she found time to pick through because she wasn't at that meeting to publicly attack him. Cindy Miller commented the reason the comments were made to Phil Gogel and said to him during that meeting was because with the Comp Plan, he owns property along Route 946, and you were asking to rezone that parcel for his benefit. Phil Gogel commented Cindy Miller is wrong and lying again. He wanted all of Route 946 rezoned. Cindy Miller commented it needed to be brought out because the Planners tried to determine whether that change had a personal impact and it was not publicly brought out at the meeting. As a Board of Supervisor, when there is a conflict, ethically, we have to admit there is a conflict with one of our properties that we are trying to rezone for ourselves and our advantage. Phil Gogel commented he spoke with his Attorney.

Kristin Soldridge commented she missed a lot of Township meetings, but starting coming to them regularly May or June of last year. She didn't hear any reference to the Comp Plan until November or December. Her questioned is when was the comp plan initially announced that people could come to the meetings? She don't think a lot of people in the Township understand what Planning Commission does and don't understand zoning until they go to the Zoning Officer and ask for a permit and then the Zoning Officer denies them and tells them they have to go before the Zoning Hearing Board for relief and a person is spending a fortune just to do something to their own property that they pay property taxes to the Township, School District

and County. It just means that there is more government overreach involved in these processes and it continues to get more intertwined where the Township has more and more say on this. Republicans are supposed to limit government control and intervening. At this point, it seems like there is more and more government control. It's been mentioned at meetings that the Zoning Officer has more and more hearings. There are more and more permits coming in, but there are also more denials. In the past, if we haven't had this many denials or zoning hearings, what changed other than a different zoning officer, different Board, personal agendas or opinions and how the public is being impacted? Cindy Miller commented the process started in 2020, right around COVID. Then it was put on hold because of COVID. She doesn't recall when they started their meetings up again. They were all in person meetings. Kristin Soldridge commented comp plan meetings that would impact 180 residents were held during a time when there were forced shutdowns and people had to stay home or wear a mask. Cindy Miller commented she doesn't believe they met during COVID. Kristin Soldridge commented everything seems a little too... certain things should have been followed. Things were dropped. The Board didn't get a copy of the Lehigh Valley Planning Commission letter, Walnutport comments; there just seems to be a lot of disconnect going on between Board members and other offices that are important. If the Board is going to make decisions on how certain things will impact the residents, everyone should be aware of everything that is coming and everyone should be able to read everything. Last year there was a zoning change for six houses on a road and letters were sent to them telling them to come to the meeting. If you are going to do it for six, don't you think you should do it for 180. Mike Jones commented that was for a zoning change. Kristin Soldridge questioned if when the Board votes for the zoning change, will there be 180 letters sent out. Charlie Schmehl commented the law requires the notices be sent out for a zoning change. Kristin Soldridge questioned if it wouldn't be proactive to notify the residents of this. Mike Jones commented they talked about this at a meeting and there wasn't enough time to send out the mailers and the robocalls were expensive. Kristin Soldridge commented it seems like this was rushed and there were a lot of things that fell through the cracks. She understands you want to plan for the future, but it has to be done right. At the March 8 meeting, she felt like someone was trying to push an agenda through and were intentionally trying to target someone she knew. It was a little too obvious as to what was going on. When the decision was made that an advertisement had to be done and the meeting got pushed off, there were certain people who did express facially that they were not happy with that decision. There is a lot from an audience perspective that they see and there seems to be a disconnect somewhere and she doesn't know why. If you are going to make decisions that are going to impact this many people, there needs to be more insight to it. The Planning Commission does a good job and works hard at what they do, but that is the Planning Commission. The Board of Supervisors should be reading those notes and questioning what the Planning Commission said if you don't understand it, and not just willy nilly going with something or denying something without knowing what is going on.

Jerry Pritchard commented no decisions have been made by the Board tonight. You have a Planning Commission that is an advisory Board and it came here. It is a starting point. You look at these maps, certain things fit the Township, certain things don't. You go back and readjust what works for the Township. That is the way it should work. You need a starting point. Jerry Pritchard commented the Board needs certain things to move forward, input from other communities, the school district and Lehigh Valley Planning Commission.

Debbie Leibenguth, Walnut Drive, commented part of the comprehensive plan that she read on line has recommended strategies for implementing the new plan. We do all this work and are supposed to abide by it. The one strategy for land use and housing along Route 145 and 248 is to attract new business and to improve the appearance of major corridors. If you look around the Township, she doesn't believe it is something being implemented through our current plan and doesn't have much confidence that it will be in the new plan. She would really like to know how proactive we are in implementing this in our current state or are we just waiting until people come in and say you can't do this, fine them, and assess fees. We don't take care of the stuff we have now. She doesn't see a lot of that going on in the Township. It is going to keep going and going. She would like to see us abiding by the changes that are being proposed. Two doors down from her is being proposed to be Neighborhood Commercial. She doesn't feel as though she is being targeted, although she is not sure that she is really happy with it, but she wants the people who come in next to her to take care of their property and improve Lehigh Township. That is what the comprehensive plan is all about, improving Lehigh Township and she doesn't believe we do enough of that now. Cindy Miller questioned what is meant about improving Lehigh Township. Ms. Leibenguth commented she means making sure we are attractive. Junk trailers, junk vehicles and pop up businesses in residential area. People just go and do it. She believes we are not very proactive as a Township towards these things. Charlie Schmehl commented most communities handles these things through a property maintenance code. You can adopt a piece of the property maintenance code. There is a standard property maintenance code which is about 50 pages. You can pick and choose two or three things that you are most concerned about and adopt just those sections for what are your problems. Cindy Miller commented the Zoning Officer has brought this up to the Board on numerous occasions. At this point the Board hasn't agreed to adopt it. Charlie Schmehl commented you don't need to adopt the whole things. There are a lot of things in there that you probably don't want to bother with. You figure out what your problem is and just adopt that piece.

Dave McKeever commented there is a junk yard ordinance that was adopted in 1965. Currently, there are over 1,000 junked vehicles in Lehigh Township that don't meet the criteria of that ordinance. The vehicles are supposed to be licensed and registered. If you fly over Lehigh Township, there is over 1,000 vehicles. It is sad. He has been talking about this to Liz Amato for years. It is unfair that he has to pay \$100 each year for a junkyard license yet everyone is allowed to do it. If people don't want to follow the law, they just do it and most of the time they get away with it.

Dave McKeever questioned if there will be another public meeting like this? Mike Jones commented there will be another public meeting. Mr. McKeever questioned if the 180 people will receive letters. Mike Jones commented we will have enough time to get letters out, so yes, they will be notified. He agrees that when you drive through this Township, it is a dump. If you go on Best Hill right now, there is probably 1000 pieces of garbage along the road; it's disgusting. Over by Myrtle Drive, there is four or five bags of garbage going down the road. No one cleans anything up. This is probably one of the reasons that the growth of the Township is less than the County, as noted in the draft plan.

Katherine Mack, 3774 Peach Drive, commented she concurs that there is a lot of junk in the Township. Being on the Zoning Board, she has contacted the Zoning Officer many times about what she sees. There is a process that needs to be followed. She finds out that when she talks to people about what goes on in the Township, people are afraid to report their neighbors because of retribution. People are afraid something is going to happen to their property or their dogs. She believes that every one of the Supervisors who drive around would also be reporting when there is an issue. People should be reporting things to the Zoning Officer. She told her about the junk by the house that blew up. The Zoning Officer told her she didn't want to push them because there was a death in the family, but that is beside the point. Efforts should be made to clean things up. She doesn't understand why people are concerned about retribution. She does get concern when there is bickering amongst the Board of Supervisor because it doesn't sound like you are trying to work for the people of the Township. Forget your differences and work for the people.

Charlie Schmehl commented there are also quality of life ordinances that many municipalities are adopting. It involves a simple ticket process that doesn't involve going to the Magistrate. If there is a junk vehicle, they just write a \$25 ticket; if it is still there a month later, it is a \$100 ticket. It is meant to be a more streamlined enforcement process.

Joe Transue, 853 Municipal Road, questioned what steps are left before the plan can be adopted. Charlie Schmehl commented there will be a workshop and a public hearing. You need a workshop to decide what you are going to put to the public hearing. Cindy Miller commented you would be looking minimally at three months. Charlie Schmehl commented a workshop meeting could be held anytime the Board would like, but there is a month's notice before you can have the public hearing. Charlie Schmehl commented it would be best to get most of the comments at the workshop meeting. He would suggest the Board hold a workshop meeting to discuss what was heard at this meeting and then come back with suggestions, but Board needs to decide what they want advertised for the second hearing. The earlier comments are received, the easier it is to incorporate them into the plan. You don't want to keep holding hearings every time there is a substantial change.

Marc Kercksmar, Myrtle Road, questioned if the workshop meeting is the one where the 180 people will be notified. Mike Jones commented it will be.

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A resident questioned where people would look for that meeting. Alice Rehrig commented it will be posted on the website, the Facebook page, and advertised in the Home News. Barry Haydt commented he believes it will take more than two meetings. Once the 180 people are notified and they provide their comments, you will need to hold another meeting. He thinks it will take closer to six months. Charlie Schmehl commented he is hoping the workshop meeting can be held within a month.

David Hess made a motion to adjourn. Cindy Miller seconded the motion. All voted aye.  
Motion carried.