

LEHIGH TOWNSHIP PLANNING COMMISSION

Minutes of May 10, 2021

Present: David Shulman, Chairman
Rod Miller, Vice Chairman
Michael Cawthray, Secretary (via phone)
Cynthia Miller
Phil Malitsch, Township Engineer
Michael Corriere, Solicitor
Liz Gehman, Zoning Officer
Lori Lambert, Planning & Zoning Secretary

Absent:

CALL TO ORDER

READING OF THE MINUTES

Cindy Miller made a motion to approve the minutes and waiver the reading of the minutes from the April 28, 2021, Planning Commission meeting. Rod Miller seconded the motion. All voted aye. Motion carried.

ADVISORY TO ZONING HEARING BOARD

Brandon & Jessica Hoser, 4519 Laurel Drive, Walnutport. Special Exception request to construct a detached garage with an accessory apartment.

Brandon & Jessica Hoser were present to represent this discussion.

Jessica Hoser stated that she and her husband are very close to her parents who are in their 60's. They would like to build an in-law suite above a newly constructed detached garage. Approximately 3 years ago an addition was put onto three sides of their existing home and they feel that adding an attached garage to the home would not look good.

Liz Gehman stated that they are agreeing to meet all of the criteria and they will ask for the variance relief for the garage to be detached. A condition can be set stating that only the in-laws can reside in the apartment. Dave Shulman questioned if the deed reference was checked, it does not match what is on the County records. Brandon Hoser stated that they purchased the property then subdivided. Liz Gehman stated that this will be corrected prior to advertising.

Rod Miller stated that there is an existing 2 car garage attached to the house, why would they not consider raising that? Jessica Hoser stated that her parents would not have garage parking, she's not sure how much space that would give them and she doesn't know that it would look good.

Cindy Miller made a motion to send a recommendation to the Zoning Hearing Board, stating that the Planning Commission had no comments other than the deed reference shall be clarified for the property and the in-law suite shall only be occupied by in-laws. Rod Miller seconded the motion. All voted aye. Motion carried.

PLAN REVIEW

David Buechele, Preliminary/Final Minor Subdivision Plan

Mark Leuthe from Lehigh Engineering was present to represent this plan.

A review letter has been received from the Sewage Enforcement Officer dated May 5, 2021, Mark Leuthe stated that Chris Noll needs to approve the septic systems that have been tested and passed. Cindy Miller questioned the comment in the letter. Mark Leuthe stated that testing is not being completed, they are doing an exemption card. Mark Leuthe has a call into Chris Noll for clarification.

A review letter has been received from the Township Engineer dated May 3, 2021. The title reports have been provided, the septic easement has been removed, the legal descriptions and covenants have been added to the plan for sight triangles. Dave Shulman questioned if each lot will have separate septic systems. Mark Leuthe stated that they will.

Mark Leuthe is seeking conditional preliminary/final approval. Phil Malitsch stated that they are down to procedural comments. Dave Shulman questioned if each lot will have its own entrance with no easement. Mark Leuthe stated that the lower access is the main access for the restaurant and has an existing easement, the north access is an easement which exists as well. The house is now being subdivided off onto its own lot and both lots (house and restaurant) will have access to Cherryville Road.

Rod Miller made a motion to grant this plan conditional preliminary/final approval, conditioned upon the applicant receiving a clean letter from the Township Sewage Enforcement Officer, complying with all of the comments in the Township Engineer's letter dated May 3, 2021, and subject to all of the terms on the Planning Commission's conditional approval form. Cindy Miller seconded the motion. All voted aye. Motion carried.

Sedler Design & Redevelopment LLC., Shanghai M&U International Trade Co., Ltd., 1089 Riverview Drive, Preliminary/Final Site Plan

Joe Sedler from Sedler Design, Mr. Patel from M&U International and Maher Abdelaal, from Glenwood Engineering were present to represent this plan.

A review letter dated May 3, 2021, has been received from the Sewage Enforcement Officer.

A review letter dated May 3, 2021, has been received from the Township Engineer.

Joe Sedler stated that Mr. Patel of M&U International are in the process of purchasing the property at 1089 Riverview Drive. They are proposing to change the use of the property. They showed future site improvements on the plan, which is not a land development plan. Mr. Patel is before the Board to determine if the use is an acceptable use.

Mr. Patel stated that the company does distribution of food flavorings, aroma ingredients and essential oils; raw materials and compounds. Import and export distribution; resale. The main business is in NJ, this would be a secondary warehouse. The building would be for storage; customer orders would ship out of here. The inbounds would be between here and the NJ location. They buy locally from the tri state area or from overseas. The imports come in to the NJ location and would be shipped to this site. There is no manufacturing, no combining of the ingredients, no mixing, etc. The ingredients come in a 1-gallon size to 55-gallon drum size. They work with Sherwin Williams, who has a specialized paint that keeps things contained should there be a spill. They have standard materials to soak up materials which would then be placed in drums and disposed of properly. They have an environmental company that comes in and handles the clean-up. The hazardous products are only handled at the NJ site. The products do have a smell so there could be a smell of peanuts or vanilla. The aroma could possibly be smelled when the dock doors are opened. The warehouse is not kept airconditioned, only heated. In the winter time the products solidify, when the

temperature drops below a certain degree, they smell less. The property has a lot of natural foliage, which is fantastic for overall air filtration. The property has a sprinkler system and is hooked up to the public system. It will be verified that this is the case and that the system works properly, Cindy Miller heard that they never connected. While moving materials in there will be 2-3 tractor trailers a day. They use a 20' box truck to transfer materials. Once they are fully set up and customers are ordering products from the site, national carriers (tractor trailers) will come in. It will depend on the number of orders that come in daily. Trucks are scheduled for pick up in the afternoon (around 2:30 pm to 5:00 pm) so that the orders can be picked and prepared; whether they are shrink wrapped or placed on pallets. The hours of operation are Monday through Friday, 8:30 am to 5:00 pm; however, trucks may arrive after 5:00 pm. Deliveries are made in the mornings, outbounds are made in the afternoon. There will be 3 employees, which include Mr. Patel. 2 of the employees will be brought from the NJ location to begin with. This year, there will be no more than 5 employees, maximum number of employees by the end of next year will be 8. The additional employees will be hired locally.

Cindy Miller questioned if they have contacted PennDOT in reference to the HOP? Mr. Abdelaal stated that they have not, they are using the previously approved access, the traffic will be the same. Phil Malitsch stated that the turning templates that were provided will not work.

Phil Malitsch stated that Liz Gehman should determine if this is a permitted use by right. Liz Gehman stated that it depends what they are going to call the operation, they need to look through the uses and determine what use they fall into. Phil Malitsch stated that there is an approved land development plan for the site, if alternations are being made, that is an amendment to the plan and they have to come in with a land development plan, provide the details and comply with the ordinance. If they are not changing anything but the use changes traffic calculations, an approval letter from PennDOT will be required before a use certificate can be issued by the Township. Tractor trailers do not work on the site, significant modifications to the site are required; this would require a modification to the land development plan. Mr. Patel stated that tractor trailers will be coming to the site, initially and for regular order pick-ups. Mr. Abdelaal stated that they will submit a land development modification; there is enough room on the site to make tractor trailer deliveries possible. Phil Malitsch stated that the applicant should document with Liz Gehman the largest size truck delivering to the site.

Phil Malitsch stated that the use needs to be determined, does it require a conditional use and/or special exception. Verification from PennDOT is required, is a modification to the HOP required. Verification

that changes are not required to the building for the operation. If the operation does not require any modifications, then that is a change of use. If changes are required, a modification to the plan is required. Phil Malitsch feels that there is nothing wrong with letting them move in; there needs to be a mutual understanding that the operation needs to be scaled back until the details are worked out. For future reference, a narrative should be provided to the Township with the specifics of the operation, hours of operation, approval from PennDOT, how the business is going to be run.

Phil Malitsch questioned if the fire department would need to know about handling of the material in the building, is any of it flammable. Mr. Patel stated that they will work with the fire company. Phil Malitsch stated that a list of materials along with their classifications should be provided to the Township. Liz Gehman stated that a walk-through inspection would also be required by the third-party inspection company to make sure that the sprinkler system meets the requirement for the materials inside the building. Phil Malitsch questioned if anything would be washed down the drains. Mr. Patel stated that they do not open any of the containers; they clean up the drums, put their own labels on them and ship them out.

There were no further questions, Dave Shulman stated that they need to get together with Liz Gehman and determine the use and if a land development modification is required. This plan was tabled.

GENERAL DISCUSSION

Cindy Miller stated that PennDOT has notified the Township that they have a plan on their web site in regards to the work that will be completed on the Gap Bridge which is set to begin in 2024. Detours for the project will be Route 145 and Route 873. Dave Shulman questioned if PennDOT would fix the drainage issue on Route 248 as you approached the Gap. Cindy Miller stated that the Township has approached PennDOT many times. Road work was complete in this area; however, the water issue was not fixed, we can contact them again.

Cindy Miller stated that the Township had a pre-construction meeting with PennDOT for the Cherryville Intersection. In the interim the Township was notified that PennDOT doesn't have inspectors for the project. She contacted Dave Backenstoe regarding Township liability if the work being completed is not being inspected by PennDOT; he will be talking to the BOS tomorrow night. Jim Milot was on site and has acted as the inspector. PennDOT knows the grant runs out the end of June, there is no way the Township can delay/push the project back.

Cindy Miller stated that Turkey Hill was before the Zoning Hearing Board for additional signage relief. Liz Gehman stated that they were going to get in contact with David Backenstoe, they want to do an indemnification agreement to begin site work before the plan is recorded. Cindy Miller stated that our crew has begun work in front of the pizza shop. She feels that the Township portion of the work will be done on time, if not sooner.

Rod Miller questioned if there has been any interest in the open position on the Planning Commission. Cindy Miller stated that the position has been advertised. There had been one person who stopped in the office and left a business card in case a position became available. Alice Rehrig has reached out to this individual. Cindy Miller also mentioned that there is now an open position on the Municipal Authority Board.

PUBLIC COMMENT

There was no public comment at this time.

ADJOURN

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