

LOWER TOWAMENSING TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Thursday, February 8, 2024 at 7:00 p.m., Township Office
595 Hahns Dairy Road, Palmerton, PA 18071

Call to Order:

The meeting was called to order at 7:05 pm by Chairperson Angela Farrell.

Roll Call:

Officials Present: Angela Farrell, Gerard Madden, Steve Meining, Jay Mullikin – participating by teams meeting, Duane Dellecker – Zoning officer and Jill Smith - Hanover Engineering.

Reorganized:

Ms. Farrell asked for nominations for Chairperson. On the motion of Mr. Meining and Mr. Mr. Madden – to retain the current officers – Angela Farrell, chairperson; Jay Mullikin, vice-chairman and Steve Meining, secretary. All in favor, motion carried.

Minutes:

Ms. Farrell made a motion to approve the Planning Commission Minutes from December 14, 2023. Mr. Madden seconded the motion. All in favor, motion carried.

Business from Persons Present:

Dan Connor – manager of DTA Alliance, 415 Golf Road, Palmerton.

Ms. Farrell stated that at the Board of Supervisor's meeting, Solicitor Nanovic's opinion was that they needed a land development plan. Ms. Smith stated that after the last planning commission meeting, she had requested information from Mr. Dellecker, which was very minimal. She stated that based on the information she received, it was hard to make a determination, because they would be looking at the stormwater and how it would affect neighboring properties/adjacent roadways. Ms. Smith stated how there were several different parcels of land for the mining property and the building would have to abide by the zoning setbacks. She stated how she was going to issue a letter stating how a waiver of a land development plan should be considered, conditioned on no other site improvements; such as access roads, parking areas or utilities being purposed. Ms. Smith stated how they needed a determination if a site plan was required under zoning, which would help answer the questions as to where the building would be located in relationship to the property lines.

Ms. Farrell asked Mr. Connor if he knew where the property lines for the individual parcels were located. Mr. Connor stated how he knew where some of them were. He stated that in regards to the drainage, their mining permit dictates what they could do with drainage. Mr. Connor stated how they capture all of the water from the property that they could in order to use it in their processing. He stated how their mining permit did not allow them to capture the water off of the clean fill on the south side of the access road. Ms. Farrell stated how their engineer was will to waive the land development as long as they could adhere to the setbacks for the building. She asked Mr. Connor if any survey was completed on the property. Mr. Connor stated "yes". Ms. Farrell stated how those sketch plans might be what they were looking for.

Ms. Smith stated that if the Board of Supervisors were willing to waive the land development, they would require a site plan to make sure they were in compliance with the zoning setbacks. Ms. Farrell stated that since it was such a unique situation and if they could be sure they were placing the building on one parcel

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of land, she was willing to waive the land development plan. Mr. Mullikin stated how he agreed; he did not think that they needed a full land development plan if they could show them how they met all of the setback requirements. Supervisor Takerer stated how he would also agree.

Ms. Farrell made a motion to recommend an exemption/waiver for DTA's project from Lower Towamensing Township's SALDO regulations subject to meeting all other zoning requirements and that there were no other site improvements. Mr. Madden seconded the motion. All in favor, motion carried.

Mr. Connor stated how they would like to build a block plant on the parcel of land on the east side of Golf Road. He stated how they were actively mining on the west side, washing on the west side but they were still scaling on the east side; they have a scale on the west side, but it was not active yet. Mr. Connor stated how they were moving their operations onto the west side, because they were retiring the east side from their mining permit. He stated how they have to submit a completion report for mining for the reclamation work. Mr. Connor stated how they then have to apply to waste for a fill permit for the east side, because their objective was to build a block plant. He stated how they have the sand, the stone, the power from where the old plant used to be and the water that they furnish to themselves from a well at 622 Mauch Chunk Road.

Mr. Connor stated how they were in conversations to develop a block plant. Ms. Farrell asked about a time frame. Mr. Connor stated about the fill and how that needed to be completed prior to building the plant. He stated how they had to provide fill for 12 – 15 acres, which would be effective for the size of the plant that they would need to build. Mr. Connor stated how they did not need that big of a footprint for the building. He stated how they needed outdoor storage and shipping areas. Supervisor Takerer stated how that would increase the truck traffic. Mr. Connor stated how they have already been increasing their truck traffic, because of shipping the raw material. Ms. Farrell asked if they had a time frame. Mr. Connor stated how it would depend on when they obtain their fill permit. He stated that if they would get the waste permit right away, they might not have to revegetate the property. Mr. Connor stated how he would like to have the plant built within five years. Mr. Dellecker stated how they would have to go through land development and they needed a variance from the Zoning Hearing Board. Ms. Farrell stated to Mr. Connor that the land development plan process could take them a year.

New Business:

- Serfass Family Subdivision

Mr. Dellecker stated how the Serfass Family is proposing to subdivide a 2.88 acre parcel into two building lots located at 3300 Fireline Road. He stated how the property is situated in an R-C (Rural Conservation) Zoning District and Section 406 of the Lower Towamensing Township Zoning Ordinance requires a minimum lot size of two (2) acres for each lot. Mr. Dellecker stated how the appeal seeks a Variance, which requires action of the Zoning Hearing Board. He stated that they can meeting the setback with both of the units based on the new property line.

Supervisor Takerer stated how they were hauling demolition equipment onto that property last week. Mr. Dellecker stated how they got a permit to demolish an out building.

Mr. Meining asked if the sewer system was coming up that far, because of the question of them having to install their own septic systems. Ms. Farrell stated how it was not coming up that far, but they did meet the requirements of DEP for their septic systems. She stated how the properties surrounding it, were less

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than two acres. Mr. Mullikin stated how there were several single-family dwelling lots in the Township that were less than two acres. Ms. Smith stated how they were still going to have to go through planning for a subdivision and their sewage facility planning.

Ms. Farrell made the motion that the Planning Commission in their review, had no objection to the application submitted; however, they were recommending that the follow condition be placed on any favorable consideration: that they try to divide the lot as equally as possible. Mr. Mullikin seconded the motion. All in favor, motion carried.

Old Business:

Ms. Farrell stated how they had issues with both Architectural Polymers and DTA Alliance projects. She stated how she would like everything to flow a little more smoothly. Ms. Smith stated about the planning commission having to make a recommendation, whether a land development plan was required without having sufficient information. Supervisor Takerer stated that if they had all of the information that they needed, they would not have to go back to the applicant requesting additional information and delaying them from moving forward. Ms. Farrell stated how they do not have a defined term of a site plan. Mr. Dellecker stated about the definition of a site plan: A map or drawing which shows existing and proposed features on a lot; A site plan was generally required as part of the zoning permit process to determine compliance with the zoning regulations. Ms. Smith stated how there were site plan requirements under the zoning: A written statement describing the proposed use; the location and dimensions of all buildings, structures, parking areas, traffic access and circulation drives, open spaces, landscaping and other pertinent information. Mr. Dellecker stated how most of the information was listed on the Zoning application.

- Jeffrey George Subdivision Plan Time Extension

Ms. Smith stated how she had received an email from the project engineer that they were going to pursue making an amendment to the flood plain, which will take a while. She stated how they had provided a letter asking for an extension until June 30, 2024.

Ms. Farrell made a motion to recommend the time extension for the Jeffrey George Subdivision Plan. Mr. Mullikin seconded the motion. All in favor, motion carried.

Planning Commission Business/Miscellaneous:

- Zoning Amendment Discussion

Mr. Dellinger prepared a memorandum dated 2/02/24 and supplied attachment #1 – notes/comments from the November 9, 2023 planning commission meeting, the PennFuture Model Logistics using Zoning Ordinance – manual 7 and a copy of East Hanover Township's Solar Facilities Zoning Ordinance Amendment. Ms. Smith stated how they should take some time to review the Logistics Model, because there was a model zoning ordinance in the back. She stated how they could compare their requirements for warehouses and logistic centers to what they were suggesting and then they could take pieces from it.

Mr. Dellecker stated how 5 acres was not large enough. He stated how they should require a minimum of 20 acres, with no more than 20% building coverage and 40% impervious coverage, which might be the easiest way to restrict them. Mr. Dellecker stated that the biggest problem with logistic centers was the truck traffic. Ms. Farrell stated that one of her concerns was filing for a variance, because their ZHB had a tendency to approve it. Mr. Dellecker stated how the ZHB members were asking more questions and

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holding them accountable to the rules. He stated how the applicant had to meet the burden of proof and show hardship. Mr. Dellecker stated how ZHB, just by the nature of them can put a little bit of reasonability to the regulations that he was not authorized to do. He stated that in some cases, it made sense for them to approve a request, but when they look at the variance requirements; were there unique physical circumstances or conditions that they did not create.

Mr. Dellecker stated about Mr. Dellinger's first comment on Attachment #1; removing the words "in whole or in part" from the Short-term Rental definition. He stated that he felt that as long as it was used as a single-family dwelling (an R3 use), he did not care if it was rented for a week, a month or 20 years; when they start using it as an R2 use things change, because it could be considered a multi-family unit or a hotel.

Mr. Dellecker stated about the trucking companies and limiting the development of the property. He stated about trying to govern it without have 20 pages of regulations. Ms. Farrell stated about the discussion with Mr. Connor concerning the block plant. She asked if that would be considered manufacturing or a warehouse. Mr. Dellecker asked what would stop them from building a warehouse to store product. He stated how they could store the block outside for a period of time, but that would be governed under the outdoor storage and display.

Mr. Dellecker stated that if a food truck wanted to set up in a permanent location was one thing, but driving around from business to business was another. He stated about a Transient Retail Business License. Mr. Meining stated how he did not think that a food truck should be parked in one place for several months. Ms. Farrell stated how she was not against food trucks, but they needed to be regulated, especially because of the parking/traffic. Ms. Smith stated about a temporary use permit with a stand-alone ordinance.

Mr. Dellecker stated about lot coverage. He stated about building coverage versus impervious coverage. Mr. Dellecker stated how somethings were building, some were impervious and some were both. For example: house – building and impervious coverage; parking lot – impervious coverage but not building; swimming pool – impervious coverage but not building. He stated how he did not consider detention ponds as part of impervious coverage, because it was an open space and did not have any building or impervious coverage on it. Mr. Mullikin stated about them being semi-impervious, because they were meant to retain water and release it at a much slower rate. Mr. Dellecker stated about that being a quasi-pond, which he would consider open space. Ms. Smith stated that when they had researched it, they found very few considered detention ponds as impervious coverage. She stated how pools were different; whereas, some considered the pool apron (concrete area around the pool) as impervious, but the water portion of the pool was not impervious.

Adjournment:

Ms. Farrell made a motion to adjourn the meeting at 9:16 p.m. Mr. Meining seconded the motion. All in favor, motion carried.

Respectfully submitted,

Steve Meining
Planning Commission Secretary