

## LOWER TOWAMENSING TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Thursday, October 12, 2023 at 7:00 p.m., Township Office  
595 Hahns Dairy Road, Palmerton, PA 18071

### **Call to Order:**

The meeting was called to order at 7:02 pm by Chairperson Angela Farrell.

### **Roll Call:**

Officials Present: Angela Farrell, Gerry Madden, Steve Meining, Duane Dellecker- Zoning officer, Jill Smith - Township Engineer and Steven Dellinger – Hanover Engineering.

### **Minutes:**

Ms. Farrell made a motion to accept the Planning Commission Minutes from August 10, 2023. Mr. Madden seconded the motion. All in favor, motion carried.

### **Business from Persons Present:**

No Business.

### **Old Business:**

- CBI – Land Development Plans

Lew Rauch – Lehigh Engineering stated how he had sent a cost estimate for the agreement for the sidewalks and asked where they were at with signing that agreement. Ms. Smith stated how they were reviewing it. Mr. Rauch stated how they had a meeting with PennDOT regarding a different project, but they did notify them about the sidewalk permit. He stated how they have submitted their plans to Carbon County Planning Commission and the Conservation District.

- Lehigh Engineering Letter dated – September 21, 2023
- Hanover Review Letter #2

### **New Business:**

Duane Dellecker stated how they have a zoning hearing scheduled for Tuesday, November 14<sup>th</sup>. He stated how Mr. Randy Anthony desires to open a Bed and Breakfast at his home located at 1690 Lower Smith Gap Road, Palmerton. Mr. Dellecker stated how Section 405.B of the Zoning Ordinance requires a special exception of the Zoning Hearing Board.

### **Planning Commission Business/Miscellaneous:**

- Zoning Amendment Discussion – Mr. Dellinger's memo

Mr. Dellinger stated how he had reviewed the Township's existing Table of Use Regulations in their current Zoning Ordinance and identified several uses that were not provided in the Ordinance. He stated how he created a list of uses, with definitions, to review and discuss and for consideration to be added to their ordinance. Mr. Dellinger questioned about some of the provisions that the Zoning Officer had issues with.

Mr. Dellecker stated about the size of accessory structures – Section 602 in the Zoning Ordinance. Section 450-65 in the codification. Mr. Dellinger stated how they usually see the maximum square footage or maximum percentage of the property.

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Mr. Dellecker stated about clarifying Section 109 Subsection G – notice of Zoning Hearing; what they actually do and what was in the book, were two different things. He stated how the book did not require certified notifications. Mr. Dellecker stated about the issue they had regarding the definition of a campground (camping unit – campsite). Ms. Farrell stated how they did not have anything in their Zoning Ordinance concerning food trucks. Mr. Dellinger stated how they usually adopt a Single Purpose Ordinance. Ms. Farrell stated about multiple food trucks in one area. Mr. Dellinger stated about a Temporary Use. Ms. Smith stated about a Temporary Use – Public Gathering/Special Event Permit. Mr. Dellecker stated about a Stand-alone regulation for Transient Retail Businesses. Ms. Smith stated how the Temporary Use Permit would exclude private functions. She stated how they would apply for a permit and the BOS would review and approve it.

Mr. Dellecker stated about Condominiums under the table of uses. He stated how there were some typos – Subsection B, Commercial Uses – for construction companies headquarters it should not be 610; Institutional Nursing Homes/Personal Care Homes references 614, which was the keeping of wild or exotic animals; Section 406 plan development max height 35' not 50'. Mr. Dellecker stated how there was something in the Zoning Ordinance about Airport hazard overlay district. Mr. Dellinger stated how Airports/Heliports was not in the Use Table, which District could they have a Heliport/Airport.

Mr. Dellinger stated about the number of conditional uses being limited to controversial and asked if that was still the way the Board of Supervisors wanted to handle it. Mr. Dellecker stated how a conditional use was a use that affects large areas or an entire community (landfill, airports, etc.). Ms. Farrell stated how she did not think that they have that many situations, but with the campground, they just realized on how things could fall into a grey area. She stated how that could leave them open to something that the community was not interested in having. Mr. Dellinger stated that if it was a special exception through the Zoning Hearing Board or a conditional use through the Board of Supervisors, they could still require reasonable conditions on the approval. Mr. Dellecker stated that once the applicant proves they could meet the requirements under the special exception, the burden of proof shifts to the community. He stated how they Township would have to prove that it would be determinantal to the public health, safety and welfare if they were allowed to proceed. Mr. Dellecker asked if it would be a better idea to remove the special exception for a campground in a Rural Conservation Zoning District and place in a variance situation because they were not permitted and only permit them in the Resort Recreation District. Mr. Dellinger stated how they could review what uses were currently permitted in a district either by special exception or conditional use.

Mr. Dellecker stated about detached accessory structures on a property without a principal structure.

Mr. Dellecker stated about Section 530 – Subsection K – shooting/target range – clarifying it and noting how the protected earth and berm be at the target area. Mr. Meining asked about requiring silencers on the guns. Mr. Dellecker stated how that was a noise issue, but when they look at the noise regulations it had to be 80% of the time. He stated about limiting them under the chart of uses. Mr. Dellinger stated that one of the criteria was that the owner had to submit a plan to control noise, litter, lighting and trespassing as part of the application. Mr. Dellecker stated how they do not have a definition for firing ranges.

Mr. Madden stated about distribution centers and warehouses. Mr. Dellecker stated how they have a set of regulations for dealing with warehouses at Palmerton Borough. Ms. Farrell stated about the Regional Plan with Palmerton Borough and Towamensing Township.

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Mr. Dellecker stated about shipping containers being used as sheds. Mr. Dellinger asked about tiny homes. Ms. Smith stated about the proposed campground and how they determined that what it was, tiny homes.

Ms. Farrell stated how the County was moving forward with their open spaces plans and that they had discussed Plan Residential Developments (PRD). Mr. Dellinger stated how they have plan development regulation in the ordinance, but they did need public utilities. He stated that under the existing ordinance it was allowed in the V-C and the RR Districts – maximum density of 8 dwelling units per acre in V-C District and 6 dwelling units per acre in the RR District. Mr. Dellinger stated how it allows for a mix of single family, detached, semi-detached, townhouses, apartments, etc. He stated how they were not bound by the cookie-cutter lot sizes setbacks that were for single family residents (residential developments). Ms. Farrell stated about increasing the density of the housing and preserving some of the land. Mr. Dellinger stated how their existing ordinance has provisions that relate to PRD. He stated about a conservation subdivision, which could be 1 acre lots with designated preserved open area; that could be used for trails, open spaces, natural land, etc.

Mr. Dellecker stated about transferrable development rights, which was a tool to protect and preserve farm lands. He stated about changing the zoning district to a preserved zoning district so they were not able to do anything but farm the land.

Mr. Meining stated about the format of the printing of the Zoning Ordinance. He stated about changing the font, the font size, capitalizing and underlining the Sections and underlining the subsections. Mr. Meining stated about the current definition of a campground - a parcel of land upon which two or more campsites were located for commercial gain, established or maintained for occupancy by camping units of the general public. Mr. Dellinger stated how a campground was for camping trailers and tents and a RV park was for recreational vehicles. Mr. Meining stated how it gets down to a grey area as to what was a campground, what was a short-term rental and what was a tiny house. Mr. Dellinger stated how a short-term rental was tied to a single-family dwelling. Mr. Meining stated how a tiny house could be considered a single-family dwelling.

Mr. Meining stated about Section 450-18 Definitions:

- Animals – E. Big Game

- Bed-and-Breakfast - defining transient guests

- Boarding Houses – define long-term

- Deck – questioned the remark “platform may or may not have railings”

He asked about adding a definition for short-term rentals.

- Travel Trailer – eliminate the word tent

- Vehicle, Abandoned – registration stickers removed and antique vehicles do not require inspection

Mr. Meining stated about Sections in the Zong Ordinance:

- Section 450-38 Campgrounds

- Subsection K. – the number of 20 campsites requiring office staff

- Section 450-48 Junkyards and salvage yards

- Should have some wording about not storing used tires.

- Section 450-51 Mobile Home Parks

- Subsection D. - The minimum area of a mobile home lot shall be 5,000 square feet. The minimum lot width shall be 30 feet

- Subsection H. - The minimum distance between mobile homes or service buildings shall be 30 feet.

- Section 450-57 Self-storage facilities and mini warehouses

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Section 450-62 Vehicle repair/service station

Should have some wording about not storing used tires.

Section 450-65 Accessory building and structures

Subsection A (1)

Section 450-74 Home occupations

Subsection J. – questioned the operating hours

Section 450-81 Storage and display, outdoor

Should have some wording about not storing used tires.

Ms. Farrell asked if they would be able to adopt an ordinance about storing tires, which might be an easier way to cover it throughout all of the sections.

Mr. Meining stated about regulations for building a barn for entertainment purposes. Mr. Dellinger stated how that would fall into the Angertainment/Agritourism Enterprise. Ms. Farrell stated how they wanted to use it as a wedding barn. Mr. Dellecker stated that they had talked to him about a storage barn/processing barn. He stated how they would have to look at what kind of impact it would have to the area. Mr. Dellinger stated about the specific criteria that was attached to angertainment; there were all kinds of restrictions and limitations. He stated how there was a special event provision that has a permitting requirement.

Ms. Farrell stated about the zoning map and asked if they wanted to change any of their zoning districts. Mr. Dellinger stated how the Township has not had a request for a rezoning since the last Zoning ordinance was adopted. Mr. Meining stated that the map shows Carpenter Lane as a loop and it was not; it was a dead-end street. Ms. Farrell stated about shrinking the V-C District and the RR District. Mr. Dellecker stated that the RR District roughly covers the golf course, the Township land and the ski lodge land. Mr. Dellinger stated about considering if they wanted to add or subtract uses permitted in the various districts.

## **Adjournment:**

Mr. Madden made a motion to adjourn the meeting at 8:43 p.m. Ms. Farrell seconded the motion. All in favor, motion carried.

Respectfully submitted,

Steve Meining  
Planning Commission Secretary