

**UPPER MILFORD TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
FOR THE APRIL 3, 2023 MEETING**

Members Present: Philip Hartranft; Angelika Forndran; Luke Lichtenwalner; Anthony Koneski, Jr.; Charles Peters, Jr.; Ronald Guth; Matthew Hunter; John Zgura, Alternate Member; Ellen Larmer, Alternate Member

Also Present: Brian Miller, Planning Coordinator; Kyle Walbert, Office Assistant; Cynthia Kuhns, Administrative Assistant

Meeting was brought to order at 7:30 P.M.

Philip Hartranft said it should be noted that the Planning Commission hasn't had a meeting since December 27, 2022.

Philip Hartranft announced that the new Planning Commission Alternate Member Ellen Larmer was present and asked her to introduce herself to everyone.

Ellen Larmer said she has lived in Upper Milford Township for 12 years now and loves it here. She then went on to explain her professional background. She said her first job was as a social worker for many years then she went back to school and attended Lehigh University and got her graduates degree. After graduating from Lehigh University, she said she became really interested in community development and worked for a non-profit in South Bethlehem for 10-years and it was a Community Development Corporation that worked on building the community with all kinds of projects like the South Bethlehem Greenway and developing businesses and doing all kinds of parks and playgrounds, skate parks, splash parks, and lots of housing and business rehab. She said that she then went on to be the Associated Executive Director of a Community Action Committee of the Lehigh Valley and in charge of their Community Development initiatives in the City of Allentown, City of Bethlehem, City of Easton, and the Slate Belt. She said a couple of years ago she left that job and took a job with the Lehigh County Housing Authority and specializes in affordable housing with refinancing and maintaining affordable housing so that it can be financially setup for the next couple of decades.

Election of Officers

Chairman

Charles Peters, Jr. nominated Luke Lichtenwalner as the Chairman. **Angelika Forndran** seconded the nomination. All were in favor. No one opposed. No one abstained. The nomination was carried out.

PLANNING COMMISSION MEETING

MINUTES OF APRIL 3, 2023

Page 2 of 11

Vice Chairman

Angelika Forndran nominated Anthony Koneski, Jr. as the Vice Chairman. **Philip Hartranft** seconded the nomination. All were in favor. No one opposed. No one abstained. The nomination was carried out.

Secretary

Philip Hartranft nominated Charles Peters, Jr. as the Secretary. **Ronald Guth** seconded the motion. All were in favor. No one opposed. No one abstained. The nomination was carried out.

Brian Miller said that this is the Planning Commission's first meeting in years where there are nine members seated at the table, two of the nine members are Alternate Members. He went on to say that Ellen Larmer and John Zgura are the Alternate Members. He said that the Alternate Members are not voting members when the seven voting members are present. He said that the Alternate Members would be able to participate in the discussions but would not be able to vote. He urged the Alternate Members to attend each scheduled meeting and said that he would let them know if they would be seated as a voting member at each meeting.

The new Chairman **Luke Lichtenwalner** will now take over the remainder of the meeting.

Minutes

1. Meeting Minutes of December 27, 2022

Motion:

Anthony Koneski, Jr. made the motion to approve the minutes of the December 27, 2023 Planning Commission Meeting. **Philip Hartranft** seconded the motion. All were in favor. **Matthew Hunter and Ronald Guth** abstained from voting as they were not present at that meeting. The motion carried.

Time Extensions: - None

Zoning & Subdivision Submission for Discussion: - None

Other Business:

1. Lower Macungie Township Zoning Amendment
 - Letter from Nathan Jones dated 2/27/23 (SWL Com Plan Review)

PLANNING COMMISSION MEETING

MINUTES OF APRIL 3, 2023

Page 3 of 11

Brian Miller said this proposed Zoning Amendment is on the former Eastern Industries property which is in the far corner of Lower Macungie Township. He said Lower Macungie is looking for feedback as required by the South Western Lehigh Comprehensive Plan from Upper Milford Township. He said that the changes were a matter of local concern and the Township should send them a thank you letter for allowing us to review their proposed Zoning Amendment.

Motion:

Matthew Hunter made the motion to recommend that the Board of Supervisors send Lower Macungie Township a thank you letter for allowing us to review their proposed Zoning Amendment. **Anthony Koneski, Jr.** seconded the motion. All were in favor. No one opposed. No one abstained. The motion carried.

2. DCNR Park Rehabilitation and Development Grant

- Letter from Edward Carter dated February 27, 2023 requesting grant support from the Planning Commission.

Kyle Walbert was present to answer any questions that the Planning Commission had regarding this proposed Lenape Park rehabilitation project.

Matthew Hunter said he remembers in the past that there was talk of trying to improve the driveway entrance at the park to deal with the sight distance issues and wondered if there were any future discussions on that.

Kyle Walbert replied no; however, it is mentioned in part of the Park and Recreation Plan which is slated to be updated sometime in 2023. He said it is an issue that the Township is looking to deal with in the future. He said he provided the Planning Commission members with a concept plan of what the Township is proposing to upgrade at Lenape Park. He said that Township staff are asking the Planning Commission as a group for a letter of support for this project. He said he did receive a few individual letters of support from some of the Planning Commission members and thanked them for their letters of support. He said what the Township originally was looking to do was the C2P2 Grant which is basically for Community land development and park rehabilitation projects which is what it is designed for. He said that the grant is a 50/50 matching grant that DCNR offers. He said that the Township originally came in and said that they need to do something with the tennis courts and basketball court areas especially because these areas are in rough condition. The tennis courts were put in either in 1973 or 1983. To the Township's knowledge the tennis courts have been overlay once and have been sealed dozens of times and nothing holds up. He said that the drainage needs to be fixed. He said that they need to be torn out and completely redone. He said it is very expensive to do this work. He said that the Township also wants to replace the playground equipment

PLANNING COMMISSION MEETING

MINUTES OF APRIL 3, 2023

Page 4 of 11

at Lenape Park as it was put in in 1993 and needs to be replaced. He said once he started to dig into the cost of all this work, he realized that it was too costly to do all at once. He said he received a quote from the Township Engineer, Ott Engineering just to do the Tennis court and Basketball court areas and the quote also included all the striping in the parking lot and the ADA walkway. The quote came back at \$750,000.00 and that didn't even include putting the playground in. He said that the Township estimated that the playground area could cost anywhere from \$100,000.00 to \$200,000.00 with a solid surfacing instead of playground mulch. He said the Township decided to do the project in two phases. He said phase one is the basketball and tennis court areas. He said if the Township is awarded this grant for phase one of the project, then the Township will apply for a second grant next year to do phase two of the project which would be the playground area. He said for the first phase the Township is going to extend the basketball court area to make it a full-length rectangle with the existing tennis court area. That will allow the Township to put in a full-size basketball court area. He said by doing this it will give the Township more space to put in a second basketball court and remove one of the three tennis courts.

Philip Hartranft said he walks there every day, and he sees people in there using the basketball court quite often. He said he does not see as much activity on the tennis courts in the cooler weather as there is during the summer and even then, he only sees one tennis court being used at a time.

Kyle Walbert said that the Township is going to fence in the entire area and put a fence down the middle to separate the tennis courts from the basketball courts. He said that the Township is proposing to paint pickle ball courts inside the tennis courts. He said as you move outside of the basketball and tennis court areas the Township is going to try to create a full closed walking loop except for the little spot that is going to go across the parking lot. He said currently to walk the half mile loop you must walk through the entire parking lot which is not safe.

Matthew Hunter asked if the Township was going to do something to calm the traffic in the parking lot / driveway area such as a speed hump of some type.

Kyle Walbert said that there was some type of speed hump there already. He said that the Township could try to put another one in the parking lot / driveway area in the future. He said that the Township is proposing to put in two ADA handicapped accessible parking spaces near the proposed crosswalk. He said that this plan is just a concept plan, and the Township would not know until September if the Township would be awarded the grant. He said that the Grant proposal must be submitted to DCNR on April 5, 2023.

John Zgura was concerned that with the proposed park renovation plan there is no designated tennis court because both tennis courts will have pickle ball courts painted on

PLANNING COMMISSION MEETING

MINUTES OF APRIL 3, 2023

Page 5 of 11

them. He said that there should just be one tennis court and one tennis court with a pickle ball court painted on it.

Kyle Walbert said that is something that can be discussed later too.

Charles Peters, Jr. asked what the three courts off to the upper right corner on the aerial plan of the park were used for.

Kyle Walbert said that they are volleyball courts, and they will need work too in the future. He said that the riparian buffer planting area towards the bottom of the plan will be put in by volunteers at a cost of approximately \$1,000.00 to \$1,500.00 for the plants. He said the remainder of all of this is still going to be a 50/50 matching grant of \$500,000.00.

Charles Peters, Jr. asked if he had to define for the grant that there were going to be two pickle ball courts.

Kyle Walbert said he did not think so as it is just line painting on the tennis court to create a pickle ball court. He said he just has a general statement in his grant proposal that the Township will have two tennis courts with line striping for two pickle ball courts. He said he could reword his grant proposal before he submits it if he needs to.

Charles Peters, Jr. said he wasn't sure if DCNR would hold the Township to do exactly what was written in the grant proposal if it gets approved.

Kyle Walbert said that the Township would have to go over everything in the grant proposal with DCNR. He said he was told by DCNR that the Grant proposal had to be submitted by April 5, 2023, and he had to come up with a generalized timeline because DCNR wanted to ensure that the Township will have everything from start of construction completed within eighteen months. He said that the Township would have up to three years to use the grant money and get the project started, but once you get the project started DCNR wants the project completed within eighteen months. After the grant gets approved, the Township would start to work with DCNR and the Township Engineer and have a preconstruction meeting and planning meeting to discuss what exactly the requirements would be to complete the project. The grant would be for a total of \$500,000.00. The Township would receive \$250,000.00 from DCNR and the other \$250,000.00 would come from the Township funds.

Angelika Forndran asked if there were any stormwater management issues with this proposed project.

Kyle Walbert said yes that is where the Township is proposing to do the riparian buffer planting.

PLANNING COMMISSION MEETING

MINUTES OF APRIL 3, 2023

Page 6 of 11

Angelika Forndran asked if the Township needs a letter of support from the Planning Commission to attach to the grant application.

Brian Miller replied yes that the Township would like a letter of support from the Planning Commission to attach to the grant application.

Kyle Walbert said another part of the process he had to go through in preparing to submit the grant application was to show site specific examples and page numbers of plans for local plans, regional plans, and the local Lehigh Valley Planning Commission. He said that Lehigh Valley Planning Commission helped him out with some of this. He said he also used a plan from the Township's Comprehensive Plan and the Township's Park and Recreation Plan.

Motion:

Philip Hartranft made the motion to recommend Township Staff write a letter of support for the DCNR Grant for the Lenape Park Restoration project on behalf of the Township Planning Commission. **Charles Peters, Jr.** seconded the motion. All were in favor. No one opposed. No one abstained. The motion carried.

John Zgura asked if since the Township is putting in an ADA path is DCNR going to make the Township change the rest of the paths to be ADA compliant?

Kyle Walbert replied no, but DCNR prefers that the more ADA accessible your paths are the better. He said he tried to word his grant proposal in such a way that the Township is adding ADA accessibility where the Township can. He said that if you are using DCNR funds for your project and you are putting in pathways DCNR wants to see that your pathways are ADA accessible.

John Zgura asked if the gates around the tennis and basketball courts would be wide enough to be ADA accessible.

Kyle Walbert replied that the gates would be 4 foot wide by 7 foot in height and he is going to request that they are ADA accessible, with one hand operation.

Philip Hartranft asked if the bathrooms were ADA accessible.

Kyle Walbert said no.

Kyle Walbert said he found it interesting that DCNR said that excavation and demolition are not approved purchases for the grant. He said that the Township Public Works employees are going to remove some of the trees and take out the existing courts prior

PLANNING COMMISSION MEETING

MINUTES OF APRIL 3, 2023

Page 7 of 11

so the Township can start with a clean slate for someone to come in and pave. He said that once the Township gets ready to apply for the second grant for the playground area at Lenape Park and should the Township get awarded that grant the Public Works employees would install the playground equipment.

Charles Peters, Jr. said that the Township should keep the public informed of the project to eliminate phone calls from the public as to why the Township is removing trees and taking out the tennis courts.

Kyle Walbert said that DCNR does want to see how the Township proposed to involve the public. He said that they would update the public at public meetings and post the project on the Township's Facebook page and on the Township's website and things of that nature. He said if the Township does get awarded the grant this year that means that the planning process will happen over fall and winter and everything gets ready for bid submission the following spring and construction would not start until fall of 2024 if the Township is lucky. The riparian buffer would not get planted until the spring of 2025.

Charles Peters Jr. asked if the Township does not get awarded the grant, are there any plans to do anything with the park or just let it be.

Kyle Walbert said if the Township does not get awarded the grant the Township would apply for the grant a second time. He said that the Township Manager and himself met with a representative of DCNR at Lenape Park to go over what the Township is proposing, and the representative was very supportive, and he told them that this was a good year to apply for the grant.

Brian Miller said that this work is really needed and that some of the damage to the tennis courts is caused by the pine trees shading a portion of the court causing the court to freeze and thaw. He also said the fence around the tennis court is rusting away.

Charles Peters, Jr. asked what the plan was for replacing the tree buffer between the tennis courts and the baseball fields.

Kyle Walbert said he was not sure what the Township would plant in the buffer area but that the Township would work with the Joint Environmental Advisory Council and the Perkiomen Conservancy on the riparian buffer plantings and what native trees they would suggest the Township plant in there that would be less of a nuisance.

Charles Peters Jr. said his only concern is that the Township make sure that whatever they plant in the buffer yard area that the tree roots don't come up and start heaving up the tennis courts.

**PLANNING COMMISSION MEETING
MINUTES OF APRIL 3, 2023
Page 8 of 11**

Kyle Walbert said he did get a few quotes on fencing and the cost is incredible. The one quote came in at \$80,000 and two other quotes came in at \$45,000 and \$60,000.

Luke Lichtenwalner announced that this concluded the discussion on the DCNR Grant.

3. Act 167 updates

Brian Miller said he wanted to give a quick update for the Planning Commission on the Act 167 updates which the Township has been struggling with. He said that there was an ordinance template that was made which the Township was working from, and he said that the Township had found some problems in the template. He said that we have the Act 167 requirements, the MS4 requirements, and the NPDES requirements, and somehow the Township is supposed to tie these all together into the amendment and there are some problems with trying to do that. He also said that several years ago the Township increased the impervious coverage from 2000 square feet up to 4000 square feet.

Kyle Walbert said that the State requirement is 10,000 square feet of impervious coverage and anything over 10,000 square feet requires stormwater management.

Brian Miller said that the Township used to receive a lot of phone calls related to stormwater runoff before adopting the stormwater ordinances. The township increased the impervious coverage threshold for needing a stormwater system from 2000 square feet to 4000 square feet several years ago, and we do not seem to be getting additional complaints.

Kyle Walbert said that MS4 stands for Municipal Separate Storm Sewer Systems. He said basically what EPA and DEP have decided to do is anybody that has an urbanized area in their Township and based upon a map that they have used and that their engineers have created has to note from 2006 going forward all the Best Management Practices (BMP's) and stormwater infrastructures that are there along with a hefty amount of other things that they are requiring the Township's to do including the Pollution Reduction Plan (PRP). He said that they are requiring that the Township adopt an MS4 Stormwater Ordinance which was supposed to be adopted in 2022. He said what the Township has found out is that DEP is allowing the Townships to change their existing Act 167 Stormwater Ordinances as long as they are in line with DEP's sample Stormwater Ordinance. He said that the Township has been working on trying to get our Stormwater Ordinances in line with what DEP's model Ordinance says.

Brian Miller said he felt that the Township is almost there but there is also something else that comes with this and that is the inspection process.

PLANNING COMMISSION MEETING

MINUTES OF APRIL 3, 2023

Page 9 of 11

Kyle Walbert said that DEP is changing the mapping and that the Township will lose some of its urbanized areas as they are changing what the urbanized areas are.

Brian Miller said he felt that they are getting away from the urbanized area and having just MS4 Township's. He said that makes it so that the Townships would be responsible to inspect the BMP's in the Township. He said that the Township would need to have Maintenance Agreements on all these BMP's and keep track of them. He said the inspection & reporting requirements will be quite a bit of work for the Township & most likely require a full time staff person..

Charles Peters, Jr. asked if the Township had a list of properties that have BMP's on them.

Kyle Walbert said he is working on creating a complete list. He said that the BMP is any kind of infrastructure to hold stormwater. He said that there is an endless list of different types of BMP's.

Brian Miller said that the Township is going to work hard to make sure that the BMP's are on HOA owned properties in new developments going forward. There would be an Operations and Maintenance Agreement that gets signed by the developer. If the BMP is not maintained the Township has every right to go in and maintain the BMP or even put a lien on the property. He said that the recommendation has been made for Township's to create a stormwater tax or stormwater fee and charging the residents for this program. He said he did not feel that would go over well with most residents.

Brian Miller asked if the Planning Commission Members felt that we should address increasing the impervious threshold in the amendment to the ordinance.

Kyle Walbert said that the Township's biggest thing is the individual lot owners that have BMP's on their property. Should that lot owner sell their property with a BMP on it and the new owner is not aware that there is a BMP on the property and they either remove the BMP or disturb the BMP that would become a problem for the Township.

Charles Peters Jr. asked if the Township is allowed to be more restrictive than the state.

Brian Miller said that the Township is allowed to be more restrictive than the state. If the Township would raise the impervious square footage it would apply to the individual lots within the Township, not the newer subdivisions that have a set impervious square footage recorded on their subdivision plan for each lot within that development.

Charles Peters Jr. asked if someone were to apply for a building permit with the Township and their project puts them over the permitted impervious coverage would the

**PLANNING COMMISSION MEETING
MINUTES OF APRIL 3, 2023
Page 10 of 11**

Township Zoning Officer deny their permit and tell the homeowner that to get their permit approved, they would need to put some type of BMP on their property to handle the additional stormwater runoff on their own property.

Brian Miller replied yes, the Township would deny the permit and tell the homeowner that they would have to come up with a plan to deal with the stormwater runoff from the additional building square footage as the addition would put them over the permitted impervious coverage before getting their permit approved.

Charles Peters Jr. asked Brian Miller from a staff perspective do you think the Township should raise the maximum impervious coverage for stormwater runoff from 4,000 square feet to something more beneficial to the homeowners.

Brian Miller said he felt that the Township could raise the maximum impervious coverage threshold. The cost for residents to comply has gotten very expensive because complying involves additional Engineering and installation cost. If the Township leaves the threshold where it is there are a lot of small projects that that will need to comply. Keeping track of how much square footage of impervious coverage remains on a property is also a lot of work for the township.

Luke Lichtenwalner said if the Township were to raise the maximum impervious coverage it would be geared more towards individual lots as opposed to developments.

Brian Miller said developments would still have to follow the Act 167 requirements. He said it would be much simpler for the Township to have a higher impervious coverage number. Having a water quality threshold of 10,000 square feet and a lower number for the water quantity threshold would seem to help when it comes to small projects. Whereas it is much simpler for someone to dig a hole and put stone in a pit to be able to capture a certain amount of volume that would meet the requirements.

Kyle Walbert said for example if someone came into the Township today to apply for a permit to put in a new single-family dwelling and a driveway totaling 3500 square feet of impervious coverage on an individual lot of record, they are not required to do anything to capture the stormwater runoff. Two years down the road they come to the Township and apply for a permit for a 600 square foot shed making the impervious coverage on their lot at 4100 square feet they would now be required by the Township to capture all 4100 square feet of stormwater runoff, and that includes water quality which is a more intricate system than just capturing water quantity.

Brian Miller said to complicate the whole thing not every entity is looked at impervious or pervious coverage in the same way. He said that the Township has set our ordinance up that the surface water of a swimming pool is not considered impervious if the pool can

PLANNING COMMISSION MEETING

MINUTES OF APRIL 3, 2023

Page 11 of 11

capture ten inches of water it is catching water during a storm event. The Lehigh County Conservation District does not accept that. They also say a paver patio is pervious and the Township says the opposite. He said pervious pavements do not receive credit because of all the maintenance needed to keep them pervious.

Charles Peters, Jr. asked if it would make more sense to do a percentage by lot size.

Kyle Walbert said that the Township still has zoning requirements for building coverage per lot in each zoning district.

Brian Miller said that it seems like the requirements for the township keep increasing, although he will try to figure out a way to possibly increase the impervious threshold and try to make this all work together, he also wanted to research a few of the surrounding Township ordinances again.

Luke Lichtenwalner announced that the next regularly scheduled Planning Commission meeting will be Monday, May 1, 2023 at 7:30 P.M. in the Upper Milford Township Building.

Adjournment

Motion:

Matthew Hunter made the motion to adjourn the meeting. **Anthony Koneski** seconded the motion. All were in favor. The meeting was adjourned at 9:03 P.M.

Date _____

Luke Lichtenwalner, Chairman