

UPPER MILFORD TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
FOR THE JUNE 3, 2024 MEETING

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

Also Present: Brian Miller, Planning Coordinator; Eric Strauss, Planning Commission Solicitor; Zachary Mitchell, Ott Consulting Engineers; Kyle Walbert, Office Assistant; Cynthia Kuhns, Administrative Assistant

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

The Planning Commission held a moment of silence in honor of former Planning Commission Member and former Board of Supervisor Susan J. Smith who passed away on May 17, 2024. Susan J. Smith was a member of the Planning Commission for 41 years, a Township Supervisor for 6 years, and a member of the Agricultural Security Advisory Board for 6 years.

Minutes

1. Regular Meeting Minutes of March 4, 2024

Motion:

Anthony Koneski, Jr. made the motion to approve the minutes as recorded. **Ronald Guth** seconded the motion. All were in favor. No one opposed. **Matthew Hunter and Charles Peters, Jr.** abstained from voting as they were absent at that meeting.

2. Workshop Meeting Minutes of May 14, 2024

Motion:

Anthony Koneski Jr. made the motion to approve the minutes with one minor correction. **Philip Hartranft** seconded the motion. All were in favor. No one opposed. **Matthew Hunter and Charles Peters, Jr.** abstained from voting as they were absent at that meeting.

Time Extensions:

The following project timeframes are due to expire 6/30/2024, time extensions of 180 days are recommended to give the projects until 12/31/2024 to be completed:

Subdivisions

- Jerome Goldstein Minor Subdivision

Land Developments

- Dunkin Donuts, 4054 Chestnut Street
- 4054 Chestnut Street, MPI Diagnostics

Motion:

Matthew Hunter made the motion to recommend that the Board of Supervisors grant a 180-day time extension till 12/31/2024 for the following:

- Jerome Goldstein Minor Subdivision
- Dunkin Donuts, 4054 Chestnut Street, Land Development
- 4054 Chestnut Street, MPI Diagnostics, Land Development

Anthony Koneski, Jr. seconded the motion. All were in favor. No one opposed. **John Zgura** abstained from voting.

Zoning Submission for Discussion: None

Subdivisions & Land Development

1. Dunkin Donuts, 4054 Chestnut Street, Emmaus
 - Plan dated 9/13/2023 revised 4/15/2024 from Benchmark Engineering, Inc.
 - Township Engineer Review letter dated 5/23/2024

Present was: Paul Szewczak of Benchmark Engineering, Inc.

A note should be put on the plan to reference the HOP Plan regarding the Penn DOT improvements along Chestnut Street which will be completed sometime in the future.

Zachary Mitchell said his office is looking for a capacity analysis for the swale on the back of the property.

Brian Miller said Emergency Services reviewed the plan and is fine with the plan.

Zachary Mitchell said he assumes that the Township does not want the frontage right-of-way dedications especially since Penn DOT would be taking some of the frontage right-of-way. They could ask for a waiver for this item. However, he said they should show the future right-of-way on the plan for the set back and for the lot area but it will not be for dedication. It will be the ultimate right-of-way. A 25-foot-wide access easement shall be shown on the plan to the property to the north which is Yocco's to be possibly used in the future.

Paul Scwezak said Penn DOT is looking to create an access between our property and the East Penn Tire property to the south of our property along the front of both properties.

Zach Mitchell asked if they were providing enough lighting on the property to light the walkways.

Paul Scwezak said they could add one wall light on the façade of the building.

The four parking spaces parallel to the drive-through driveway shall be designated as employee parking spaces.

Zachary Mitchell said the Township has the option to require a fence on the buffer yard along the rear of the property. Currently they are showing plantings in the buffer yard. The fence would be in addition to the plantings.

Brian Miller said the two houses directly behind this property are single story homes and their lots are down below the buffer yard. He felt that the headlights on the subject property would be blocked by the plantings in the buffer yard. He was not sure that it made a lot of sense to add a fence in the buffer yard.

Paul Scwezak said the drive-through is probably eight to ten feet above grade between the properties. He said he would be willing to cut back on some of the trees in the buffer yard along the rear of the property and plant a row of bushes along the curb to shield the cars from the two properties behind the subject property. They are proposing a wooden guide rail along the rear of the property.

Paul Scwezak said he will send a letter to the Township to withdraw the Land Development Plan for MPI Diagnostics for this property prior to Dunkin Donuts getting Final Plan approval.

Paul Scwezak said the only other thing he needs prior to getting Board of Supervisors approval is his Highway Occupancy Permit. He said that is in the works and he hopes to have that soon.

Motion:

Matthew Hunter made the motion to recommend that the Board of Supervisors grant a waiver to SALDO Section 104.C.2. for the right-of-way along Chestnut Street. **Anthony Koneski, Jr.** seconded the motion. All were in favor. No one opposed. **John Zgura** abstained from voting.

Motion:

Matthew Hunter made the motion to recommend that the Board of Supervisors grant a deferral to Section 1015.A. for sidewalks along the frontage due to the Penn DOT roadway improvements. **Anthony Koneski, Jr.** seconded the motion. All were in favor. No one opposed. **John Zgura** abstained from voting.

Motion:

Charles Peters, Jr. made a motion to recommend that the Board of Supervisors grant Final Plan Approval contingent upon all outstanding items in the Ott Engineering review letter dated May 23, 2024, being addressed and any and all outstanding fees owed the Township being paid. **Anthony Koneski, Jr.** seconded the motion. All were in favor. No one opposed. **John Zgura** abstained from voting.

Lot Line Adjustments: None

Other Business:

1. Upper Saucon Township Recreation & Open Space Plan Amendment

Brian Miller briefly explained what Upper Saucon Township is proposing and requested that if the Planning Commission sees no issues with this that they recommend that the Township send a thank you letter to Upper Saucon Township for providing Upper Milford Township the opportunity to review their proposed Amendments to their Recreation & Open Space Plan.

Motion:

Anthony Koneski, Jr. made the motion to recommend that the Township send a thank you letter to Upper Saucon Township for giving Upper Milford Township the opportunity to review their proposed amendments to their Recreation & Open Space Plan. **Philip Hartranft** seconded the motion. All were in favor. No one opposed. **John Zgura** abstained from voting.

2. Agricultural Security Area Interim Review
 - a. ASA Map & Memo & list of enrolled properties
 - b.

Brian Miller said that Lehigh County has requested that the municipalities update their Agricultural Security Areas and provide the County with an updated list. He said this has not been done for quite some time. He said to qualify to have your property enrolled in the Agricultural Security Area your property had to consist of 10 acres or more or you had to produce \$2,000 worth of an agricultural product on your property. He said he was able to put together an extensive list of Properties that are enrolled in the Upper Milford Township Agricultural Security Area (ASA). The list also includes properties that no longer qualify to be enrolled in the Upper Milford Township ASA because they were either subdivided off of the parent tract that was/is enrolled in the ASA and they no longer meet the lot size requirements to be enrolled in the ASA or they are being used for a residential use and not being used to produce at least \$2,000 worth of an agriculture product. He said most of the properties that no longer qualify to be enrolled in the Upper Milford Township ASA are in the Fields at Jasper Ridge Subdivision, Tranquil Acres Subdivision, Dale Dries Subdivision, and the Leroy Marks Subdivision. He said that there are a few other properties that were part of a boundary line adjustments along with a few properties that were vacant lots and now have a residential dwelling on the lot. He said he will provide an updated map to the County for their use.

Motion:

Charles Peters, Jr. made the motion to recommend that the Board of Supervisors remove the properties within the Township that no longer qualify to be included in the Upper Milford Township Agricultural Security Area. **Matthew Hunter** seconded the motion. All were in favor. No one opposed. **John Zgura** abstained from voting.

The next regularly scheduled meeting of the Upper Milford Township Planning Commission Meeting will be held on Monday, July 1, 2024 at 7:30 P.M. in the Upper Milford Township Building.

Adjournment

Motion:

Philip Hartranft made the motion to adjourn the meeting. **Matthew Hunter** seconded the motion. All were in favor. No one opposed. No one abstained. The meeting adjourned at 8:56 P.M.

DATE _____

Luke Lichtenwalner, Chairman