

UPPER MILFORD TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
FOR THE DECEMBER 4, 2023 MEETING

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

Absent Members: Anthony Koneski, Jr., Vice Chairman

Also Present: Eric Strauss, Planning Commission Solicitor; Zachary Mitchell, Ott Engineering; Brian Miller, Planning Coordinator; Cynthia Kuhns, Administrative Assistant

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

Minutes

1. Meeting Minutes of October 30, 2023

Motion:

Philip Hartranft made the motion to approve the Minutes of the October 30, 2023 Planning Commission Meeting. **Ronald Guth** seconded the motion. All were in favor. No one opposed. **Matthew Hunter; Angelika Forndran; and John Zgura, Alternate Member** abstained from voting.

Time Extensions

The following project timeframes are due to expire 12/31/23, time extensions of 180 days are recommended to give the projects until 6/30/24 to be completed:

Subdivision

Jerome Goldstein Minor Subdivision

Land Development

4054 Chestnut St., MPI Diagnostics

Motion:

Matthew Hunter made the motion to recommend that the Board of Supervisors grant 180 day time extensions until June 30, 2024 for the Jerome Goldstein Minor Subdivision, and

4054 Chestnut St, MPI Diagnostics. **Ronald Guth** seconded the motion. All were in favor. No one opposed. **John Zgura** abstained from voting.

Zoning Submission for Discussion:

1. Jennifer A. Makem of 5161 Limeport Rd., Emmaus, Special Exception
 - Information packet with letter from Upper Milford Township Zoning Officer, Alan Brokate

Present were: Jennifer Makem of 5161 Limeport Road, Emmaus
Thomas Makem of 5183 Limeport Road, Emmaus

Jennifer Makem said she would like to build a 2-story attached garage large enough for two trucks with a second-floor in-law apartment for her parents. She said she has lived in this home for the past 20 years and has always wanted to build an in-law apartment onto the home for her parents so that her and her brother (Thomas Makem) who lives next door at 5183 Limeport Road so that they could take care of their parents.

Charles Peters, Jr. asked how the 2-story garage was going to be attached to the home.

Jennifer Makem said she was going to convert her rear porch on the right side of the home into a mudroom and attach the 2-story garage to the mudroom just behind the paved driveway.

Angelika Forndran asked if there would be a bathroom and a kitchen in the 2nd floor in-law apartment.

Jennifer Makem said there would be a bathroom in the in-law apartment, and she would also like to have a small kitchen with a stove in the in-law apartment.

Thomas Makem- said he is Jennifer Makem's brother, and he lives next door at 5183 Limeport Road. He said the main goal is to build a 27 foot by 34 foot 2-car garage and attach it to the mudroom which is currently a porch. He said that one exterior door would enter the mudroom and there would be two interior doors in the mudroom, one leading up the stairs to the 2nd floor in-law apartment and the other door entering the main house. He said that they want to get their parents out of Allentown and closer to them so that they can take care of their parents as they get older. He said there would be two bedrooms and one big open living room with an open kitchen concept in the 2nd floor in-law apartment.

Matthew Hunter said he had no problem with this but was concerned with the parents living on the 2nd floor. He suggested that they install a chairlift for the parents to access the second-floor in-law apartment.

Jennifer Makem said that she may end up living in the 2nd floor in-law apartment and her parents would live in the main house which is a cape code with everything they would need on the first floor. She said she has no intention on renting out the 2nd floor in-law apartment and would be willing to sign whatever she would need to sign to show that she has no intention of renting out the space.

Charles Peters, Jr. said that there would be a document attached to the deed to show that the 2nd floor in-law apartment could not become a rental unit.

Angelika Forndran asked if the septic system was adequate to handle the 2nd floor in-law apartment.

Brian Miller said that this property is connected to the Vera Cruz public sewer system and there would not be any issues with septic.

Jennifer Makem said that there is a well on the property.

Angelika Forndran was concerned with the 2nd story in-law apartment being directly above the 2-car garage.

Thomas Makem said that they would make sure that there is fireproofing between the 2-car garage and the 2nd floor-apartment and whatever else is needed to make it safe to have the living quarters directly above the garage.

Brian Miller said that this is a special exception request, and the Planning Commission can make any recommendations to the Zoning Hearing Board as they see fit. He said that the Zoning Hearing Board will set the deed restrictions as part of their approval.

Philip Hartranft said he would agree with Matthew Hunter regarding the parents living in the 2nd floor in-law apartment and having to use the stairs without some type of chairlift. He said that Jennifer Makem might want to make it clear to the Zoning Hearing Board that she may end up living in the 2nd floor in-law apartment and her parents moving into the main house which has everything on one floor.

Thomas Makem said he has no concerns with this project. He said he would be overseeing the project and would be getting the blueprints and applying for the permits on behalf of his sister Jennifer Makem.

Charles Peters, Jr. asked if there were any adjoining neighbors present.

Jennifer Makem replied no. The only other person present aside from her brother was her father who did not speak.

Motion:

Angelika Forndran made the motion to recommend to the Zoning Hearing Board that the Planning Commission sees no issues with this proposed use provided that the Unit for Care of a Relative be specifically restricted to use by an immediate family member and all required building codes are met for the construction of living space above the garage. **Charles Peters, Jr.** seconded the motion. All were in favor. No one opposed. **John Zgura** abstained from voting.

Subdivision & Land Development

1. Dunkin Donuts, 4054 Chestnut St., Emmaus

- Plan dated 9/13/23 from Benchmark Engineering, INC.
- Township Engineer's review letter dated November 29, 2023
- LVPC review letter dated October 30, 2023

Present were: Peter Terry of Benchmark Civil Engineering Services Inc.
Raj Saraswati, Owner of Dunkin Donuts

Peter Terry said that they are aware of Penn DOT's proposed improvements along this stretch of Chestnut Street (Route 29 Corridor). He said that Penn DOT has a right-of-way condemnation plan which is in the process. He said that Penn DOT is acquiring 38 feet as part of their right-of-way condemnation. He said he is going to assume that the Township really doesn't want to have right-of-way along a state route. He said that they would propose to go along with Penn DOT's intention of condemning that amount of right-of-way and providing those lanes.

Brian Miller asked how that would affect the three parking spaces along Chestnut Street.

Pete Terry said that there are three parking spaces that are perpendicular to Chestnut Street and they will change them around so that they are parallel with Chestnut Street.

Charles Peters, Jr. asked how much space there would be between Chestnut Street, the shoulder and where the three parking spaces would be. He said there were discussions about Penn DOT putting in sidewalks along Chestnut Street. He said the Plan shows a 30-foot right-of-way half width and you are talking about a 38-foot right-of-way.

Peter Terry said a 38-foot right-of-way gets you four feet into the three parking spaces along Chestnut Street. He said the Right-of-Way Plans that Penn DOT has currently would have a small grass strip, a sidewalk, another grass strip, and then a curb which would be the shoulder.

Charles Peters, Jr. asked if the sidewalk was inside the Penn DOT right-of-way or outside the Penn DOT right-of-way.

Pete Terry said the sidewalk would be inside the Penn DOT right-of-way which continues along these properties along Chestnut Street from Buckeye Road all the way to Colebrook Avenue.

Brian Miller said that the sidewalks are all part of the proposed Chestnut Street (Route 29 Corridor) project.

Philip Hartranft asked if that meant that Penn DOT would be putting in the sidewalks or would each property owner have to put in the sidewalks.

Brian Miller said that the sidewalks are part of the Penn DOT project so Penn DOT would be putting in the sidewalks.

Charles Peters, Jr. asked if the Plan would be updated to show the Penn DOT right-of-way and potential sidewalks.

Peter Terry said that they can show the right-of-way but because Penn DOT's Plans are not finalized, he is reluctant to show the sidewalks on this land development plan that is going to get approved and recorded.

Brian Miller said that they are going to have to work with what Penn DOT is showing us now.

Charles Peters, Jr. said that the three parking spaces along Chestnut Street could be moved out of what could potentially be the right-of-way.

Peter Terry said correct.

Zachary Mitchell asked what the plan would be to access the three parking spaces along Chestnut Street if they were turned to be parallel with Chestnut Street.

Peter Terry said the circulation around the building is counterclockwise one way from the right side of the building.

Zachary Mitchell asked if there would be a do not enter sign to the left when you enter the property from Chestnut Street so that someone could not loop around to try to parallel park.

Peter Terry said that the do not enter sign would conflict with the first parallel parking space because of where it would be located on the property. He said you could pull into the first parallel parking space without violating the do not enter sign but not the other two parallel parking spaces. He said that they could move the signage a little closer to the right corner of the building but there is an ADA ramp at the right corner of the building, and he wouldn't want to put the signs in the middle of the ADA ramp either.

Charles Peters, Jr. asked if they could lose a parking space and still be compliant with the parking space requirements.

Zachary Mitchell said he thought they could lose two parking spaces and still be compliant with the parking requirements. He then asked if the hair salon was a definitive second use on the property or was it just a guess at this point.

Peter Terry said that the hair salon as a second use is not definitive at this point it is just a guess.

Brian Miller said the second use on the property being a flex space he would be worried about losing two parking spaces.

Peter Terry said that they would not want to lose the two parking spaces. He said with the Dunkin Donut use there would not be much drive-up traffic as much of the traffic would use the drive-through. He said the second use would not have drive-up traffic.

Angelika Forndran asked if the Dunkin Donuts would be the same size as the Dunkin Donuts on the neighboring property at 4030 Chestnut Street.

Raj Saraswati replied yes.

Angelika Forndran asked if the property was going to be connect to public water and sewer through Lehigh County Authority.

Peter Terry said that there is an existing well on the property that will be abandoned, and the property will be connected to public water and sewer through Lehigh County Authority.

Brian Miller said the existing sanitary sewer lateral is shown on the plan to the left of the building.

Peter Terry said comment 22 on page 3 of the Ott Consulting Review says that the SALDO requires 25-foot radii. He said that the Highway Occupancy Permit that was previously approved showed a 15-foot radius on the driveway coming in which is what they are proposing. He said that they can comply with the 25-foot radius, but he did not feel it was necessary for them to make that change to make the site work.

Brian Miller said the Township would default to Penn DOT with a waiver.

Zachary Mitchell asked if Penn DOT would approve a 25 foot radius.

Peter Terry said Penn DOT would approve either radius but the minimum standard radius for Penn DOT is a 15-foot radius.

Matthew Hunter said a larger radius is always nicer for larger trucks.

Brian Miller said that the radius would be affected by the widening of Chestnut Street.

Charles Peters, Jr. asked a question regarding Penn DOT's requirements for accessing the property.

Peter Terry said that Penn DOT did not have an issue with a left hand turn into the property or a left hand turn out onto Chestnut Street.

Brian Miller said with the proposed Penn DOT upgrades to Chestnut Street there will be a center turning lane along this stretch of Chestnut Street. He said as of this meeting the Township did not receive comments from Penn DOT regarding this Land Development project.

Peter Terry said that they will be submitting a scoping application to Penn DOT to determine what intersections need to be a part of the traffic study. He is not sure that Penn DOT is going to require them to do a traffic study, but he will wait to hear back from Penn DOT and will square that away with the Township.

Peter Terry said regarding comment 32 in the Ott Consulting Review letter which deals with vehicle interconnections between two adjoining business lots. He said that they spoke to Yocco's about interconnecting the two lots to the rear of both lots and Yocco's is not interested. He said that they do not want to make an interconnection to the south because they do not want to create a shortcut through the site so that traffic could enter Colebrook Avenue to get back onto Chestnut Street which has a traffic signal at this intersection.

Brian Miller said that there is a stormwater pond behind the strip mall at 4030 Chestnut Street and with the contours behind Yocco's dropping off quite a bit it could make it difficult to interconnect the properties.

Peter Terry said that those were the items in the Ott Consulting Review letter that he wanted to discuss, then asked Zach Mitchell of Ott Consulting if there was anything he missed.

Zachary Mitchell said there were a couple of items in the Ott Consulting Review letter that he thought would need potential waivers. He said they may want to request a waiver to item 20 regarding right-of way dedication in the Ott Consulting Review letter. He then asked if the Township wants them to request a waiver to this or ask for a deferral.

Zachary Mitchell said item 21 in the Ott Consulting Review letter is similar to item 32. He said that they could ask for a waiver to this as it deals with connecting parking lots and movement restrictions. He said he did not think that they would need a waiver to item 32 based on the way the Ordinance is written. Item 32 would be another discussion item.

Zachary Mitchell asked Pete Terry if he could comply with item 22 in the Ott Consulting Review letter and provide a 25-foot radius so they wouldn't need a waiver to this section.

Peter Terry said he could provide the 25-foot radius.

Zachary Mitchell said item 33 in the Ott Consulting Review letter deals with sidewalks and asked if they would request a waiver or deferral to this item.

Brian Miller said that they could do a deferral on this item with the knowledge that Penn DOT is going to be putting sidewalks along this stretch of Chestnut Street as part of their Chestnut Street (Route 29 Corridor) improvements project. He said sidewalks are shown on the Penn Dot Plan.

Zachary Mitchell said item 35 in the Ott Consulting Review letter says that the Township may require that business parking lots and related walkways maintain a minimum of 0.5 footcandles of illumination during hours of use. He said that maybe something that the Township wants to require and asked Peter Terry if this was something they were looking at doing.

Peter Terry said that they really were not planning to light the property up.

Zachary Mitchell said they could request a waiver to this section regarding lighting.

Matthew Hunter said they have a lighting plan.

Zachary Mitchell said they do show a lighting plan, but the lighting plan is not up to the 0.5 footcandles for the entire parking lot.

Brian Miller said that this property does abut to residential properties to the rear of the property. He said that is something to keep in mind.

Charles Peters, Jr. said with the property abutting up to residential properties to the rear less lighting is better.

Zachary Mitchell said item 35 regarding lighting is not something they would need a waiver to as it is something that the Township may require them to install proper lighting.

Charles Peters, Jr. asked that they make sure that the trees they are planting are not within the proposed additional right-of-way when Penn DOT decides to come through and take additional right-of-way along Chestnut Street.

Peter Terry said he was sure that was not their intent.

Matthew Hunter was concerned with the types of trees they are proposing to plant. He said they may want to make the landscaping look a little more natural, especially to the rear of the property.

Charles Peters, Jr. asked what type of barrier they are proposing along the rear of the property to keep the vehicles lights from shining into the windows of the homes along Miller Avenue.

Matthew Hunter said that there was a requirement to erect a fence to the rear of the property.

Brian Miller said that the elevation difference may cause a problem.

Luke Lichtenwalner said it may be pointless to erect a fence to the rear of the property. He said it may be better to plant taller trees as a natural buffer to the rear of the property.

Angelika Forndran asked if the adjoining property owners were sent some type of notice regarding this proposal.

Pete Terry said he would have to check to see if some type of notice was sent to the adjoining property owners.

Matthew Hunter said it looks like they are under the threshold for stormwater then said it looks like the stormwater goes into an existing swale. He asked if the swale leads into a Penn DOT stormwater system or not.

Peter Terry said it drops into an existing grass swale which runs quite a distance behind all these properties and eventually gets to an inlet on Colebrook Avenue.

Charles Peters, Jr. said it sounds like they are going to use the existing building instead of tearing it down and construct a new building. He asked if they had any plans to change the look of the outdated brick on the façade of the building to make it look more modern.

Raj Saraswati said you will not recognize the building once it is remodeled.

Charles Peters, Jr. asked if the ramp that leads down into the basement of the building was going to remain or were they going to backfill the ramp.

Raj Saraswati said they are going to backfill the ramp and close off the entrance to the basement.

Zachary Mitchell said the only thing he was concerned about with the ramp area leading down to the basement is where the stormwater goes to. He said once they fill in the ramp area the stormwater will go to the swale to the rear of the property.

Brian Miller said the ramp that goes down to the basement garage door is a pretty wide area and he does not know if the stormwater goes to a gravity drain pipe. He said if there is a gravity drain the only place it may make it to is the corner property line by Yocco's.

Peter Terry said he will try to get the Township an answer on that.

Matthew Hunter said regarding item 21 in the Ott Consulting Review letter, which deals with a land development that abuts an existing arterial street and asked if it was possible to have a future easement for the purpose of connecting the rear of this property to the rear of Yocco's property.

Peter Terry said it would impact the number of parking spaces if they were to convert the easement to a connection with the rear of Yocco's property. He said you would lose two parking spaces.

Zachary Mitchell said item 32 in the Ott Consulting Review letter does give the Township the option to require a stub easement.

Matthew Hunter thought it would be worthwhile to try to depict a future easement for the purpose of connecting the two abutting properties.

Peter Terry asked Zach Mitchell if there was a minimum width on that easement.

Zachary Mitchell said no. He said that we could look at requirements for access drives, or access isles, or even one way or two-way access lanes.

Philip Hartranft said it might be best to look at one way access behind the two properties.

Brian Miller felt that one-way access to the rear of the property is not exactly what you would want here because you would want people to be able to access this property without the need to exit onto Chestnut Street from the front entrance of the property.

Charles Peters, Jr. said to him he thought you would want one way out of the rear of the two properties onto Colebrook Avenue.

Brian Miller said you must remember that Penn DOT is going to do some updates to Chestnut Street, but those updates will not reduce any of the traffic on Chestnut Street. He said you see people using the access road to the rear of the strip mall at 4030 Chestnut Street to Colebrook Avenue a lot to gain access to Chestnut Street at the traffic light. He said a connection to the rear of Yocco's property is difficult, it would interfere with their traffic flow around the building, if the Yocco's property ever changes use and a new building is constructed it may be a better time for a connection between properties.

Zachary Mitchell asked if they could do a blanket easement note on the Plan.

Brian Miller said it could be that simple if it does not affect parking on either property.

Peter Terry asked if the Township would want an easement on both sides of the property behind Yocco's on the right side of the property and behind United Tire Service on the left side of the subject property.

Brian Miller said he thought that Penn DOT was going to close off the entrance along Chestnut Street on the United Tire Service's property and put an entrance to the property on Buckeye Road. He also said that there are buildings in the way making it difficult to be able to interconnect the two properties in the rear.

John Zgura asked if they could put a stop sign on the property in the front right corner of the building to prevent the drive-through traffic from running into the traffic entering the property from Chestnut Street. He said he was also concerned with a large fire truck navigating around the property in the event of an emergency.

Brian Miller said the Plan will go to Vera Cruz Fire Company for their comments prior to the Plan getting approved by the Board of Supervisors.

Brian Miller asked Peter Terry if he felt that they could comply with all the other items listed in the Ott Consulting Review letter not mentioned at this meeting.

Peter Terry said yes.

Brian Miller then said Peter Terry could put together a waivers request letter for action at the next Planning Commission Meeting.

Charles Peters, Jr. asked if the Planning Commission was going to recommend an easement be drawn up between Dunkin Donuts and United Tire Service so that patrons of Dunkin Donuts could access the back of United Tire Service's property to get out onto Buckeye Road along with the easement to access the rear of Yocco's property.

Brian Miller said right now the easement is a may require item. He said that the Planning Commission should wait till they come back before the Planning Commission to see what is going to end up in the back of the property such as a swale or anything else. He said he could always talk to the Township Solicitor regarding a blanket easement for future connection.

Brian Miller said that they will need to locate items on the rear of the property such as old septic tanks and verify that they are not connected to any plumbing in the building so that they can be properly abandoned. He said he was concerned with the foundation drain from the ramp to the basement wondering where it goes. He noted there was no record on file that the previous owner abandoned the on-lot septic system.

Lot Line Adjustments: None

Other Business:

1. Draft Upper Perkiomen Valley Regional Comprehensive Plan Review
 - Letter from Eric Jarrell, Montgomery County Regional Planning Manager dated 10/3/2023

There was a brief discussion on the draft Upper Perkiomen Valley Regional Comprehensive Plan by the Planning Commission Members.

Brian Miller said he saw nothing earth shattering in the Plan at all.

Motion:

Matthew Hunter made a motion to recommend that the Board of Supervisors send a thank you letter to Montgomery County Board of Commissioners thanking them for allowing Upper Milford Township to review the Upper Perkiomen Valley Regional Plan. **Ronald Guth** seconded the motion. All were in favor. No one opposed. **John Zgura** abstained from voting.

Luke Lichtenwalner announced that the next regularly scheduled meeting of the Upper Milford Township Planning Commission will be held on Wednesday, January 3, 2024 at 7:30 P.M.

Adjournment

Matthew Hunter made the motion to adjourn the meeting at 8:37 P.M. **Charles Peters, Jr.** seconded the motion. All were in favor. No on opposed.

Date _____

Luke Lichtenwalner, Chairman