

APPROVED MINUTES

UPPER MILFORD TOWNSHIP PLANNING COMMISSION MEETING MINUTES FOR SEPTEMBER 29, 2025 MEETING

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

Absent Members: Anthony Koneski, Jr., Chairman; Luke Lichtenwalner, Ronald Guth

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

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

Vice Chairman, Charles Peters, Jr. conducted the meeting in the absence of Chairman, Anthony Koneski, Jr.

Vice Chairman, Charles Peters, Jr. announced that the September 2, 2025 Planning Commission Meeting was canceled due to a lack of agenda items.

Minutes: - None

Time Extensions: - None

Subdivisions & Land Development:

DeLorenzo Minor Subdivision

- Plan dated 9/10/2025 from Keystone Consulting Engineers
- Review letter dated 9/22/2025 from Ott Consulting
- Planning Module & Memo from Brian Miller

Present were: Alan Fornwalt, P.E. from Keystone Consulting Engineers
David Burns & Kathryn Burns, granddaughter of Donald DeLorenzo

Alan Fornwalt said David and Kathryn Burns (granddaughter of property owner Donald DeLorenzo) are proposing to subdivide a 2-acre lot from the 22.86 parent tract at 5541 German Road which is owned by Donald DeLorenzo and his deceased wife Louisa DeLorenzo. It should be noted that in 2017 a 2.140-acre tract was subdivided from the parent tract a little farther south on the property. Lot one as shown on the plan is the new 2-acre. Lot 2 as shown on the plan is the remainder of the parent tract. David & Kathryn Burns are looking to construct a single-family dwelling on lot one for their family. There is

a primary and alternate septic site shown on the plan for lot 1. There is a retentive grading berm on the downslope side to retain storm water on the property. He said the property has a continuous slope but is not steep in any one area. The property was previously farmed. He said they will have to divert the stormwater around the proposed house and grade a little bit on the downslope side of the proposed house. The well will be located on the upslope side of the proposed house.

Alan Fornwalt said there were three items in the Ott Consulting review letter dated September 22, 2025, that they are asking for a waiver too, and they are as follows:

- SALDO 703.D Natural features to be shown on entire site
- SALDO 703.E man-made features shall be shown on entire site
- SALDO 1004.C.2 & 1004.F.1-2 & 1004.L street requirements for right-of-way, cartway and shoulders

He then handed the members a copy of his waiver request letter dated September 29, 2025.

Zachary Mitchell said regarding item 11 in the Ott Consulting review letter dated September 22, 2025, he wanted to discuss dedication and improvements of the right-of-way with the Planning Commission. He said if the Township does not wish to accept the right-of-way the lots must be shown as described to the existing right-of-way (ultimate right-of-way must still be shown to establish setbacks). He said this would apply to lots 1 and 2. He said there was one stormwater comment on page 7 to Section 307.H and asked if Alan Fornwalt if this would be a will comply item or if they would like to ask for a waiver to this section.

Alan Fornwalt said they were going to make Section 307.H regarding stormwater a will comply item but then went on to say that he could amend his waiver request letter to add this item as a waiver if the Township Engineer and Planning Commission were in favor of a waiver to this item.

Charles Peters Jr. asked if there was an outlet or spillway for the retentive grading berm.

Alan Fornwalt said there is a little spillway in the middle on the long side of the retentive grading berm towards the stone wall.

Charles Peters Jr. asked the Burns how they were related to the property owner since they don't share the same last name as the property owner Donald DeLorenzo.

Kathryn Burns said she is a granddaughter to Donald DeLorenzo and his deceased wife Louisa. She said her mother is currently the power of attorney for her grandfather Donald DeLorenzo who is 94 years old.

Angelika Forndran expressed concern about the site distance with the location of the proposed driveway.

Alan Fornwalt said they would be able to meet the Penn DOT site distance requirements.

Charles Peters, Jr. asked if anyone had any concerns with the waivers that are being requested.

Phil Hartranft asked if lot 2 which is the parent tract was preserved.

Brian Miller said that lot 2, the parent tract is in Act 319 and has no dwellings on it, however it does have a wireless communication facility located on it.

Charles Peters, Jr. asked if they would have to pay roll back taxes to subdivide 2 acres from the parent tract, lot 2 since it is in Act 319.

Kyle Walbert said the property is not preserved with Lehigh County. He then went on to say the County has regulations associated with the property being in Act 319 and was not sure on how many acres they were permitted to subdivide from the parent tract that is in Act 319. He said he would need to look further into that. He then said he did not think they would have any issues.

Brian Miller said he thought that the rule was that you were permitted to subdivide 2 acres off the parent tract that is in Act 319 every so many years without any penalties.

Solicitor Eric Strauss said 2 acres up to 10% of the parent tract.

Charles Peters, Jr. asked if the Planning Commission would address the waivers with a motion.

Solicitor Eric Strauss asked for clarification of the waivers being requested. He said the Planning Commission Members were discussing the 3 waivers listed in the Keystone Consulting Engineers letter dated September 29, 2025. He said that there was also discussion about a 4th waiver to Saldo Section 307.H regarding stormwater.

Zachary Mitchell said in the Ott Consulting review letter dated September 22, 2025, it was noted that a waiver could be considered to Section 307.H if the applicant could prove the spillway could pass the 100-year storm peak inflow with a minimum 0.5-foot freeboard.

Motion No. 1:

Matthew Hunter made the motion to recommend the Board of Supervisors grant the 3 requested waivers listed in the Keystone Consulting Engineers letter dated September 29, 2025 which are SALDO 703.D, SALDO 703.E, SALDO 1004.C.2 & 1004.F.1-2 and 1004.L. **Philip Hartranft** seconded the motion. All were in favor. No one opposed. **John Zgura** abstained from voting.

Zachary Mitchell asked if the Planning Commission is recommending waving the right-of-way or do they want to wait until the next submission so they could show it to the existing right-of-way.

Brian Miller said that he would get it cleared up and he didn't think that there would be a waiver to this. He said they could make the comment on the Plan that the right-of-way is offered for dedication but not accepted by the Township.

Zachary Mitchell said the thinking is the Township does not want the ultimate right-of-way.

Matthew Hunter asked if the applicant was going to establish the freeboard that is necessary to fulfill the requirements of Section 307.H or is the applicant going to pursue a waiver.

Alan Fornwalt said they would like to pursue a waiver to SALDO Section 307.H.

Motion No. 2:

Matthew Hunter made the motion to recommend the Board of Supervisors grant a waiver to SALDO Section 307.H contingent upon the applicant providing the necessary calculations to the Township Engineer that the necessary minimum freeboard for the stormwater detention facility is established and reviewed to the satisfaction of the Township Engineer. **Angelika Forndran** seconded the motion. All were in favor. No one opposed. **John Zgura** abstained from voting.

Alan Fornwalt said he will amend his waiver request letter dated September 29, 2025 to include a waiver request to Section 307.H and send it to the Township.

Matthew Hunter asked Alan Fornwalt if he had any other concerns with the Ott Consulting review letter dated September 22, 2025, that they could not address.

Alan Fornwalt said they had no other concerns with the Ott Consulting review letter dated September 22, 2025, and went on to say that they will comply with the remaining items in the letter that they are not requesting waivers to.

Brian Miller said that he provided everyone with a copy of the Planning Module which needs to be addressed by the Planning Commission. He also said he did receive an address today for lot 1, the proposed 2-acre lot. The address assign to lot 1 will be 5387 German Road. He said there are 2 items in the Planning Module that still need to be addressed but can be made part of contingent approval prior to the Township sending the Planning Module to DEP. He said the PNDI noted a Bog Turtle habitat within range of the project. He said he is awaiting the required paperwork from the Bog Turtle Specialists. The Planning Module uses a nonbuilding lot waiver for the parent tract, lot 2. He said it is his understanding that the Burns' will not become the owners of the 20.66-acre nonbuilding lot 2, which is the parent tract, therefore Section B of the Planning waiver will need to be completed by the current property owner or whoever is the Power of Attorney for the current property owner. If they were to develop the 20.66 acre (lot 2) in the future, they would need to go through the Planning Module process. There was no septic testing on the 20.66 acre (lot 2) at this time. He said they only did septic testing on the 2-acre tract (lot 1) at this time. He said at this time the 20.66-acre tract (lot 2) is not being approved as a building lot. He said it could become a building lot in the future should someone go through the Planning Module process to develop lot 2. He said page 5 of the DEP Planning Module has a section that needs to be addressed by the Planning Commission. He said if the Planning Commission agrees with this, he can fill that section out prior to sending it to the Board of Supervisors for approval. He said page 2 of the Planning Module has the declaration that needs to be addressed by the Planning Commission prior to sending the Planning Module to the Board of Supervisors for approval to send to DEP. He said he needs the Planning Commissions approval to fill out those 2 sections of the Planning Module prior to sending it to the Board of Supervisors for their approval to send to DEP.

Matthew Hunter asked if this needs to be done in the form of a motion by the Planning Commission.

Brian Miller replied yes. He said both items can be completed by the Planning Commission contingent upon the applicants addressing the items mentioned earlier in his memo dated September 26, 2025.

Motion No. 3:

Angelika Forndran made the motion to recommend that the Board of Supervisors grant approval of the DEP Planning Module contingent on addressing the outstanding items in

the Memo from Planning Coordinator Brian Miller dated September 26th, 2025. **Ellen Larmer** seconded the motion. All were in favor. No one opposed. No one abstained.

Charles Peters Jr. said it looks like all the minor items have been addressed so now it looks like the Planning Commission needs to make a recommendation to the Board of Supervisors to grant approval of the Minor Subdivision with contingencies.

Motion No. 4:

Philip Hartranft made the motion to recommend the Board of Supervisors grant approval of the DeLorenzo Minor Subdivision Plan contingent upon addressing all items in the Ott Consulting review letter dated September 22, 2025, Supervisors approval of the 4 waivers being requested in the Keystone Consulting Engineers letter dated September 29, 2025, and approval of the Planning Module by the Township & DEP, and any other required outside agency approvals. **Matthew Hunter** seconded the motion. All were in favor. No one opposed. **John Zgura** abstained from voting.

Other Business;

October 14th, 2025 & November 11th, 2025 PC Workshops for review of Zoning & SALDO revisions.

Charles Peters, Jr. announced the dates of the Planning Commission Workshops to review and discuss the revisions to the Zoning Ordinance and the Subdivision and Land Development Ordinance prior to presenting the Ordinances to the Board of Supervisors for them to adopt. He noted that the meeting will be held in the Township Building at 6:00 P.M. on the dates mentioned.

Charles Peters, Jr. said the next regularly scheduled meeting of the Upper Milford Township Planning Commission will be held on Monday, November 3rd, 2025 at 7:30 P.M. in the Upper Milford Township Building Old Zionsville, PA.

Motion to adjourn:

Philip Hartranft made the motion to adjourn the meeting. **Matthew Hunter** seconded the motion. All were in favor. The meeting adjourned at 8:01 P.M.

Date _____

Charles Peters, Jr. Acting Chairman