

**TOWNSHIP OF WHITEHALL
PLANNING COMMISSION MINUTES**

April 17, 2024

PLANNING COMMISSION

Jonathan L. Bolton, Chairman
Robin Ruhmel, Vice Chairman
Paul Geissinger, Secretary - Absent
Jason Szewczak, Member
Ann Freyman, Member
Casey Zelena, Member
Vincent Misuraca, Member

TOWNSHIP PERSONNEL

Lee A. Rackus, Bureau Chief of Planning,
Zoning & Development
Frank Clark, Keystone Consulting Engineers
Jack Gross, Esq., Township Solicitor

Meeting called to order at approximately 7:30 pm.

Mr. Bolton read the Fair Housing Statement as required.

A) SUBMISSION REVIEW:

1) INDEX #2032-23A – WHITEHALL TOWNHOMES

3229 N. Front Street
Major Subdivision/Land Development
Zoning District: R-5A
Original Submission Date: 11/30/23; Revised Submission Date: 1/30/24
90-Day Expiration Date: 3/20/24; Extension Expiration Date: 5/20/24

No revised plans submitted

Zachary Sivertsen, Esq., Eastburn & Gray; Mary Bachert, Bohler Engineering; Matt Sorrentino, 2nd & Front, LLC. representing the applicant.

Atty. Sivertsen reviewed the project details. Most of the comments were addressed from the January Planning Commission meeting. They received approval from LVPC on April 4, 2024.

Mr. Bolton confirmed the applicant received comment letters from Ms. Rackus dated 4/4/24 and Mr. Clark dated 4/13/24.

Atty. Sivertsen discussed the KCE comment letter re: storm drainage concerns. Ms. Bachert also addressed those concerns and stated that calculations were revised, and copies given to KCE. These revised calculations were approved by LVPC under the Act 167 guidelines. With the revised calculations, the stormwater rate and volume discharge will be reduced.

Mr. Clark will need to review these calculation changes.

Mr. Bolton expressed concerns with easements to townhomes located towards the back, so residents can access their back yards. Atty. Sivertsen said they might provide a 'blanket easement' as opposed to a specific easement size. Atty. Gross said that the Township would like to know how they propose to do the easement and the details of same, in order to meet the conditions for approval. Mr. Clark stated that a blanket easement is not ideal because it would be a "free-for-all". Atty. Sivertsen stated they would not object to a 15-foot easement being added to the plan.

Mr. Bolton said the PC would like to know who would own & maintain the stormwater basin. Discussions ensued around the stormwater basin's ownership and access. Atty. Sivertsen stated that all ownership and maintenance re: the basin will be included on the title/deed.

The PC also questioned the private drive at the bottom of the property and who owns that drive. Atty. Sivertsen said it was a paper street, or unopened public way. They are not allowed to block the street or build on it. There's an easement for each property abutting the paper street, which will be recorded if necessary.

Mr. Szewczak asked if the road/driveway on the plan encroaches on the property. Ms. Bachert stated that is on the property but is on an allowable part of the alley. Atty. Gross would like that noted on the plan.

Mr. Bolton said the PC would like all items discussed noted on the plan.

Mr. Bolton entertained a motion to table to allow the applicant time to address comments and revise plans.

Motion by Ms. Ruhmel, second by Mr. Misuraca. Vote taken, 6-0 to table.

2) INDEX #2034-23A – FULLERTON TERMINALS, LLC

2451 Main Street

Major Subdivision

Zoning District: I

Original Submission Date: 12/27/23; Rev. Submission Date: 2/1/24 & 3/11/24

90-Day Expiration Date: 4/17/24; Extension Expiration Date: 6/10/24

Scott Akens, Akens Engineering, representing the applicant.

Mr. Bolton confirmed the applicant received comment letters from Ms. Rackus dated 4/3/24 and Mr. Clark dated 4/12/24.

Mr. Akens reviewed some items noted in the letters earlier in the day with KCE. Most items noted in the letter have already been taken care of except for the water service. The initial plan noted that the water will be public, however, because they do not yet know who will be purchasing the property and the use, they will be changing that to on-lot well water service, with the understanding that the Township might require public water hook-up.

Mr. Clark said there were some concerns because the Township Ordinance requires a property within 150' of a water line to hook-up to public water. Ms. Rackus also stated that because it's a commercial development, they would be required to hook-up to public water. Ownership and water access were discussed by Atty. Gross, Mr. Akens, and Mr. Bolton. Atty. Gross stated they would be creating their own hardship re: access to water based on how the land is parceled off, and as stated in the Ordinance, there would have to be access to public water. Mr Akens asked if the Township would be amenable to offering an easement through the Township property out to Eberhart Road. Mr. Clark noted that Range Road is a public road, and they could use the right-of-way for access. If an easement were requested, it would take more time, as the Board of Commissioners would need to allow that to happen. Other options were discussed by Mr. Clark, Mr. Akens & Atty. Gross. Mr. Akens said he would discuss the options with the owners. Mr. Clark suggested Mr. Akens reach out to NBMA.

Ms. Ruhmel asked about the property line, noting that the plan shows it's going through Pine Street. Mr. Akens stated that the deed notes the exceptions since the Township took the land in 1985. That is reflective of the property line shown on the plan, and they assumed the Township

took the land they needed at that time and no additional right-of-way would be needed. Mr. Szewczak asked if the plan shown was accurate, which Mr. Akens confirmed. Ms. Ruhmel stated the property lines would need to be reviewed.

Mr. Bolton asked about the sidewalk deferral and curbing on the plan. Mr. Akens pointed out the existing curbing on the plan, therefore the deferral would only be for sidewalks. Mr. Bolton also asked about the impervious coverage. Mr. Akens said there is a chart on the cover page which outlines all the areas of coverage. Mr. Bolton noted that there is a piece of a Township playground on the West Catty playground on the property. Atty. Gross would like it noted that there would be an easement just for Township Recreational use.

Mr. Bolton entertained a motion to table to allow the applicant time to address comments and revise plans.

Motion by Mr. Zelena, second by Ms. Ruhmel. Vote taken, 6-0 to table.

3) INDEX # INDEX #2033-23A – TRACTOR SUPPLY

3561 W. Columbia Street

Land Development

Zoning District: C-2A

Original Submission Date: 12/27/23

90-Day Expiration Date: 4/17/24; Extension Expiration Date: 6/3/24

No revised plans submitted

Mr. Magrecki, Penn Terra Engineering, representing the applicant.

Mr. Bolton confirmed the applicant received comment letters from Ms. Rackus dated 4/5/24 and Mr. Clark dated 4/13/24.

Mr. Magrecki stated they would like to take time to review the letter and respond, but asked if there were any specific questions the PC had for the developer. Mr. Clark stated they would like a sidewalk on Columbia Street. Mr. Magrecki said they would adjust their grading so the area would be available for sidewalks.

Mr. Zelena wanted it noted that a fire hydrant would be required based on Whitehall Township's adoption of the International Fire Code.

Mr. Bolton entertained a motion to table to allow the applicant time to address comments and revise plans.

Motion by Mr. Szewczak, second by Mr. Misuraca. Vote taken, 6-0 to table.

4) INDEX #2036-24A – PROPOSED WAWA REDEVELOPMENT

MacArthur Road & Mickley Road

Major Subdivision/Land Development

Zoning District: C-2A

Original Submission Date: 3/7/24

90-Day Expiration Date: 7/7/24

5) INDEX #2037-24A – 135 CREST DRIVE LOT LINE ADJUSTMENT

135 Crest Drive

Minor Subdivision

Zoning District: R-4

Original Submission Date: 3/13/24
90-Day Expiration Date: 7/13/24

Mr. Antonios representing the applicant

Mr. Bolton confirmed the applicant received comment letters from Ms. Rackus dated 4/8/24 and Mr. Clark dated 4/13/24.

Mr. Antonios wanted to know more about finalization of the developer's agreement for the whole subdivision. Atty. Gross stated there would be agreements for this 3-lot subdivision which will incorporate the requirements from Resolution #3232, which was the 4-lot subdivision. They will all be together in the agreements.

Mr. Bolton entertained a motion for preliminary approval.

Motion by Ms. Ruhmel, second by Mr. Zelena. Vote taken, 6-0 for preliminary approval.

Mr. Antonios asked if the plan could be upgraded for final approval.

Mr. Bolton entertained a motion for final approval.

Motion by Mr. Szewczak, second by Mr. Misuraca. Vote taken, 6-0 for final approval.

6) INDEX #2023-23A – EMERSON VILLAGE

3626 Rural Road

Major Subdivision/Land Development

Zoning District: R-3A

Original Submission Date: 4/27/23; Revised Submission Date: 3/14/24

90-Day Expiration Date: 8/14/23; Extension Expiration Date: 5/29/24

Justin Strahorn with WB Homes Land Acquisitions representing the applicant.

Mr. Bolton confirmed the applicant received comment letters from Ms. Rackus dated 4/15/24 and Mr. Clark dated 4/15/24.

Mr. Strahorn stated he was not seeking a recommendation today but would like to go through the waivers. Waivers were reviewed re: streets, block length, driveway locations, etc. He stated they would be widening Rural Road to 14 feet. Stormwater management waivers were also reviewed, which will be maintained by the HOA. Lastly, waiver requests for landscaping were reviewed.

Ms. Poshefko read a statement regarding the current 'forested' area at the site of the future development, requesting a certified arborist and Audubon specialist be allowed to walk the property, which the developer was not amenable to at this time.

Ms. Ruhmel questioned if the developer received the Shade Tree's committee's notes re: planting on the property. Mr. Strahorn confirmed they received the notes and did agree to use native species of shrubs and trees. Ms. Ruhmel also asked about the split-rail fencing for the stormwater basin, which Mr. Strahorn noted that there would be green mesh/wire attached to the outside split-rail fence.

Mr. Bolton entertained a motion to table the plan to allow for further review.

Motion by Ms. Freyman, second by Mr. Ruhmel. Vote taken, 6-0 to table.

7) INDEX #2038-24A – CLEAN HOUSE RECYCLING DONATION BIN

2180 MacArthur Road
Special Exception
Zoning District: C-2
Original Submission Date: 3/14/24
90-Day Expiration Date: N/A

Jenna Kaston, Esq., Samuel Santana representing the applicant.

Mr. Bolton confirmed the applicant received comment letters from Ms. Rackus dated 4/8/24 and Mr. Clark dated 4/11/24.

Mr. Bolton stated that the donation bins could not be in parking spaces, which the drawing indicates that they are.

Atty. Gross confirmed that Clean House Recycling is looking for a Special Exception, which will then go to the Zoning Hearing Board (ZHB). HE noted that one of the conditions of Temporary Use is that they do not occupy designated parking, driveway, or access areas. If they do, it will likely require a Variance.

Atty. Kaston stated they believe there are excess parking spaces on the lot, and the bins will only occupy 1.5 parking spaces, which Atty. Gross noted will have to be discussed with the ZHB.

Mr. Bolton expressed concern that, as is the case with other donation bins he's seen, they likely will be overflowing with items that do not fit into the bin. He wanted to know the pick-up and monitoring process.

Atty. Kaston & Mr. Santana stated that pick-ups 2-3 should happen times per week, which should limit the overflow.

Mr. Bolton questioned when they would like to place the bins and the length of time. The applicant stated the lease terms are still being worked out, but the bins would remain for the length of the lease, which could be anywhere between 2-3 years. They also can have cameras installed to monitor the location for quick pick-up if overflowing. They are only looking for 1 location in the shopping center, even though they proposed 3 location options. They would only be accepting clothing, not furniture, however they will take anything left outside the bin and dispose of it.

Ms. Freyman confirmed that a person could not occupy the bin and it would be too high for a child to enter.

Mr. Szewczak questioned if Clean House could comply with the part of the Ordinance referenced in Ms. Rackus' letter, to which they replied affirmatively.

Mr. Zelena confirmed that Clean House would be responsible for snow removal.

Mr. Bolton entertained a motion to recommend the Special Exception.

Motion by Ms. Freyman, second by Mr. Szewczak. Vote taken, 6-0 to recommend.

8) INDEX #2039-24A – TNT FIREWORKS @ WHITEHALL SQUARE

2180 MacArthur Road
Special Exception
Zoning District: C-2
Original Submission Date: 3/21/24
90-Day Expiration Date: N/A

Debbie Ivins representing the applicant.

Mr. Bolton confirmed the applicant received comment letters from Ms. Rackus dated 4/8/24 and Mr. Clark dated 4/11/24.

Ms. Ivins said the set-up would be the same as in the years before 2023.

Mr. Bolton entertained a motion to recommend the Special Exception.

Motion by Ms. Ruhmel, second by Mr. Szewczak. Vote taken, 6-0 to recommend.

9) INDEX #2040-24A – PROPOSED MISTER CARWASH

2160 MacArthur Road
Land Development
Zoning District: C-2
Original Submission Date: 3/27/24
90-Day Expiration Date: 7/17/24

Nick Louis, Bohler Engineering and Nick Johnson representing the applicant.

Mr. Bolton confirmed that the applicant received comment letters from Ms. Rackus dated 4/15/24 and KCE's letter dated 4/15/24.

Comment letters were reviewed by applicant, including the waiver's requested. They are revising plans to have less impervious coverage areas and they will comply with all other comments.

Mr. Bolton mentioned connections in the road where Penn DOT just paved. Mr. Louis said they will reach out to Penn DOT to work that out. They've already reached out to the Sewer and Water Authorities. They also stated they have no issues installing sidewalks on their portion of the property.

Mr. Zelena suggested a condition that they must have water and sewer.

Mr. Bolton entertained a motion for preliminary approval conditioned upon connecting to water and sewer, installing sidewalks, waiver requests and all conditions noted in comment letters.

Motion by Mr. Zelena, second by Mr. Misuraca. Vote taken, 6-0 for preliminary approval.

Mr. Louis asked for an upgrade to final approval.

Mr. Bolton entertained a motion for final approval with all conditions noted above.

Mr. Misuraca made a motion, second by Mr. Szewczak. Vote taken, 6-0 for final approval.

10) INDEX #2041-24A – HOMETOWN AUTO SPA ADDITION

3318 Seventh Street
Land Development

Zoning District: C-2
Original Submission Date: 3/27/24
90-Day Expiration Date: 7/17/24

Jonathan Amory, property owner and Joseph Rentko, Black Forest Engineering representing the applicant.

Mr. Bolton confirmed that the applicant received the comment letter from Ms. Rackus dated 4/8/24 and KCE's letter dated 4/13/24.

Comment letters were reviewed. They are willing to add some street trees and will work with the Township and KCE to get some direction. The only other comment discussed was re: the Dog Spa added recently without a permit. They would like to roll the Dog Spa into development, so it can be done properly. They will work with the Zoning Officer to comply with Zoning requests.

Mr. Szewczak questioned the traffic flow and Mr. Rentko reviewed that it should be a one-way loop around the car wash. Mr. Szewczak suggested adding some signage to assist customers. They would be willing to include signs and will review sign proposal with KCE.

Mr. Bolton entertained a motion for preliminary approval with conditions attached, resolving the Zoning issues and a sign layout.

Motion made by Ms. Freyman, second by Mr. Szewczak. Vote taken, 6-0 for approval.

Mr. Rentko asked to upgrade to final approval.

Mr. Bolton entertained a motion for final approval with the conditions noted above.

Motion made by Ms. Ruhmel, second by Mr. Szewczak. Vote taken, 6-0 for approval.

11) INDEX #2042-24A – TACO BELL REDEVELOPMENT

2113 MacArthur Road
Land Development
Zoning District: C-2
Original Submission Date: 3/28/24
90-Day Expiration Date: 7/17/24

Brian Cleary, The Pettit Group and Joe Depascale, Summerwood Corp. representing the applicant.

Mr. Bolton confirmed that the applicant received the comment letter from Ms. Rackus dated 4/15/24 and KCE's letter dated 4/13/24.

The comment letters were reviewed, specifically KCE's letter re: loading. Mr. Cleary noted that loading/deliveries happen overnight and discussed the truck access possibilities, including an updated truck turning template. They are also in talks with LANTA to provide a new bus stop shelter.

Mr. Bolton entertained a motion for preliminary approval.

Motion be Mr. Misuraca, second by Ms. Freyman. Vote taken, 6-0 for preliminary approval.

Mr. Cleary asked to upgrade to final approval.

Mr. Bolton entertained a motion for final approval.

Motion made by Ms. Freyman, second by Ms. Ruhmel. Vote taken, 6-0 for final approval.

12) INDEX 2043-24A – LVHN LOT CONSOLIDATION

3916/3918/3921 Mechanicsville Road & 3052/3230 MacArthur Road

Minor Subdivision

Zoning District: R2 & R4

Original Submission Date: 3/28/24

90-Day Expiration Date: 7/17/24

Ron Golick, The Pidcock Co., and Dan Quay, LVHN representing the applicant.

Mr. Bolton confirmed that the applicant received the comment letter from Ms. Rackus dated 4/8/24 and KCE's letter dated 4/14/24.

There are no objections with the comment letters, and they will comply.

Mr. Szewczak noted that the water authority serving the lot should be the Whitehall Township Authority (WTA).

Mr. Bolton entertained a motion for preliminary approval with the condition to change to the water authority from NBMA to WTA.

Motion by Mr. Szewczak, second by Mr. Zelena. Vote taken, 5-0, with 1 abstention for preliminary approval.

Mr. Golick asked to upgrade to final approval.

Mr. Bolton entertained a motion for final approval with conditions noted above.

Motion made by Ms. Ruhmel, second by Ms. Szewczak. Vote taken, 5-0, with 1 abstention for final approval.

B) DISCUSSION ITEMS:

Planning Commission Annual Report

Mr. Bolton entertained a motion for approval of the Planning Commission's Annual Report.

Motion by Ms. Freyman, second by Ms. Ruhmel. Vote taken, 4-0 to approval, with 2 abstentions.

C) OTHER:

Motion entertained for approval of February 2024 Meeting Minutes. Motion by Mr. Szewczak, second by Ms. Ruhmel. Vote taken, 5-0 with 1 abstention to approve minutes.

D) ADJOURNMENT:

Meeting adjourned at approximately 9:30 pm.