

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of January 12, 2023

The reorganization meeting of the Upper Nazareth Township Planning Commission was called to order by Zoning Officer John Soloe at 7:00 PM. on Thursday, January 12, 2023, in the Township Building.

John Soloe asked for nomination for the 2023 Chairman. Motion to Nominate Scott Sylvainus was made by Kelly-Jo Smith, 2nd by Pamela Berlew. No other nominations were made. Motion approved unanimously. Scott Sylvainus assumed the position of Chairman.

Scott Sylvainus asked for nomination for the 2023 Vice- Chairman. Motion to Nominate Pamela Berlew was made by Jay Benfield, 2nd by Kelly-Jo Smith. No other nominations were made. Motion approved unanimously.

Scott Sylvainus asked for nomination for the 2023 Secretary. Motion to Nominate Jay Benfield was made by Pamela Berlew, 2nd by Scott Sylvainus. No other nominations were made. Motion approved unanimously. Regular business meeting commenced.

ROLL CALL

The following members were present: Jay Benfield, Pamela Berlew, Jim Campana, Kelly-Jo Smith, Scott Sylvainus, Zoning Officer John Soloe, Township Engineer Michael Schallock, and Recording Secretary Deanne Werkheiser. Absent were Township Solicitor Gary Asteak and Township Manager Lisa Klem.

APPROVAL OF AGENDA

Motion was made by Kelly-Jo Smith, seconded by Jim Campana to approve the January 13, 2022, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Pamela Berlew, seconded by Kelly-Jo Smith to approve the December 8, 2022, meeting minutes. Motion approved unanimously.

NEWBUSINESS

Heritage Village Lot Consolidation, West Beil Avenue and Phase 6 Final Land Development. Project manager Chris Brown stated that the Conditional Use for the lot was approved by the Board of Supervisors. They are seeking lot consolidation of an acre of land into the 52-acre campus. The lot is known as the Miranda Tract. It has been reviewed by Keystone Consulting Engineers, January 9, 2023, letter. Scott Sylvainus asked if anyone had comments or questions. There were none.

A motion was made by Kelly-Jo Smith, seconded by Jim Campana to recommend to the Board of Supervisors, approval of the lot line consolidation. Motion approved unanimously.

01/12/2023

Chris Brown displayed map of Heritage Village Campus. The additional lot will be for two singles, doubles have been previously approved for this area. That was changed to singles. The driveway to the community garden will also serve as emergency access. A gate or chain will be put up for security of keeping it safe and visible. We will use what ever the Fire Marshall suggests. Minor adjustments were made to the walking path. We will have a complete loop now. The utilities are in place. Modifying the NPDS. Currently working with the sewer authority. We have no issues with meeting the requirements of Keystone Consulting Engineers letter dated January 9, 2023. We are pleased with the balance of residences and open space.

Michael Schallock stated that Keystone does not have any issues with the plan as long as items in the letter are addressed.

John Soloe stated he received the LVPC review letter. The LVPC is an advisory committee. They say we are not in compliance with the county plan. They talk about bus stops for children, etc. Obviously, they did not review and understand the development. That is ridiculous.

Jay Benfield asked about the other property on West Beil Avenue. Sue Drabic replied that they have talked to him, but he is not ready to sell at this time. Chris Brown responded may fit one more residence and open space. We will make the best use of it if it becomes available.

Pamela Berlew asked about the sales of the properties, are sales going well?

Chris Brown replied yes, phases one through four are all sold and occupied as well as much of phase five. We just started marketing phase six in November.

A motion was made by Jay Benfield, seconded by Jim Campana to recommend the Board of Supervisors approval of the amended Phase 5 and 6 final land development subject to Keystone Consulting Engineers letter of January 9, 2023.

Motion approved unanimously.

OLD BUSINESS:

Scott Sylvainus stated there was nothing at this time.

COURTESY OF THE FLOOR

George Polak gave Scott Sylvainus a W-9 that he would like filled out and returned. He distributed information to the members of what he is trying to accomplish., he is trying to stay compliant to the Constitution and wants to make sure the Commission does too as trustees to the public. Have a responsibility.

Brian Sayago asked when the Zoning update will be worked on next. John Soloe replied at the February meeting. EPD will be meeting with staff in January.

ADJOURNMENT

Motion was made by Jay Benfield, seconded by Jim Campana to adjourn the meeting at 7:35 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

01/12/2023

The Commission reviewed the information and link sent by EDP after the regular meeting.

Uses were reviewed. Three types-

Permitted- allowed

Conditional- goes to the Board of Supervisors

Special exception- goes to the Zoning Hearing Board.

Zones were reviewed as to how they align with the current zones-

TD1 is AC

TD2 is R2

TD4 is R3

TD5 is R4 and R5

TD6 is NC

TD9 is I1

TD10 is I1

TD11 is EX1

Examples were reviewed and discussed so that all members understood what was being reviewed and what was needed by EDP.

01/12/2023

**UPPER NAZARETH TOWNSHIP
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NAZARETH, PA 18064**

Minutes of February 9, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, February 9, 2023, in the Township Building.

ROLL CALL

The following members were present: Jay Benfield, Pamela Berlew, Jim Campana, Kelly-Jo Smith, Scott Sylvainus, Zoning Officer John Soloe and Recording Secretary Deanne Werkheiser. Absent were Township Solicitor Gary Asteak, Township Engineer Sean Dooley, and Township Manager Lisa Klem.

APPROVAL OF AGENDA

Motion was made by Jim Campana, seconded by Kelly-Jo Smith to approve the February 9, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Kelly-Jo Smith, seconded by Jim Campana to approve the January 12, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Zoning Ordinance update. Acknowledgement of files from EDP. Review with EDP at the March 9, 2023, meeting. Scott Sylvainus stated the working files have been received They need to be reviewed, with comments to EDP by March 1, 2023. The Concept Zoning Map was received. Surveys were completed by Commission members. John Soloe stated these were received this afternoon. Have not had a chance to review. A brief discussion ensued over how the Commission will proceed with reviewing due to the number of chapters. Scott Sylvainus stated they will start by reviewing and discussing the first two chapters at the next meeting. Comments will be sent to EDP per their request. The ability to do electronic comments will be looked into.

OLD BUSINESS:

Scott Sylvainus stated there was nothing at this time.

COURTESY OF THE FLOOR

None at this time.

01/12/2023

ADJOURNMENT

Motion was made by Kelly-Jo Smith, seconded by Pamela Berlew to adjourn the meeting at 7:10 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

01/12/2023

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of March 9, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, March 9, 2023, in the Township Building.

ROLL CALL

The following members were present: Scott Sylvainus, Zoning Officer John Soloe and Recording Secretary Deanne Werkheiser and Angela Strohl. Township Manager Lisa Klem attended virtually. Absent were Jay Benfield, Pamela Berlew, Jim Campana, Kelly-Jo Smith, Township Solicitor Gary Asteak, and Township Engineer Sean Dooley.

Scott Sylvainus announced there was not a quorum. There will be no approval of the Agenda and Minutes.

COURTESY OF THE FLOOR

George Polak distributed certified copy of record to the members.

NEW BUSINESS

Zoning Ordinance update. Carolyn Yagle with EPD introduced herself. Folders have been updated, mostly text components. We will be working from the beginning as requested- sections one and two. Carolyn stated no comments were received via email. The folders will be updated as we go through them and as comments are received.

Section One- zoning districts with dimensions and permitted uses. Carolyn stated no comments were received. John Soloe stated he has his written down for review tonight. He suggested that the map be finalized first so we know where each zoning district is as we go through them. This would make it easier for everyone. Review of the areas outlined in red. John asked what the school properties were zoned as, specifically the southeast corner of the Township. We do not want to leave them as non-conforming use. A discussion ensued over districts specific for school use and what they would fall under. Currently TD10, he feels it should be TD9. Tom Beauduy from the Chrin Company stated the land directly east of the school property is a 90-acre parcel, 40 acres in Upper Nazareth, 50 acres in Palmer. A brief discussion ensued regarding buffering between residential and non-residential zones. Carolyn suggested the school be zoned TD4, this way all school properties would be zoned the same.

John questioned a property in the southwest section. The area is between two main roadways. Five small parcels are currently R2. Feels they should be TD2 not TD1. This groups the area appropriately. Brian Sayago questioned grouping. John explained the process of grouping areas properly and appropriately. A brief discussion ensued on how growth areas are decided. John stated that just because a parcel has a crop on it, it does not mean it has to be an agriculture zone. All agreed the area discussed will be TD2. A brief discussion ensued of a 60-acre lot north of the area being discussed.

01/12/2023

Northeast area was discussed. Currently I1 and I2. Will be changed to TD10. These include Martin Guitar, Majestic, plastic plant, etc.

John Soloe stated parcels in the center will remain as they are today.

Definitions- zoning districts. John questioned in TD1, the conditional use to put a house on the property and special exception for a warehouse. Is that our intent for this area? I have to explain to the public what is decided. Carolyn replied this area is geared more towards agriculture, so it makes sense that dwellings be conditional use. This is also based upon infrastructure locations. Warehouses are currently permitted but would be special exception. John asked that definitions could include square footage not just percentage of acres. Scott Sylvainus stated that they would take a break and allow Kerry Wroble, president of LVIP, speak.

Kerry introduced himself. LVIP has seven industrial parks throughout the Lehigh Valley. They are currently looking at a tract that is Upper Nazareth and Palmer Townships, owned by Chrin Company. LVI 6 on Freemansburg Ave. is the type of development we would look to put in. Would be 12 parcels at approximately four acres per parcel. Looking at industrial not warehouses. Brian Sayago asked what stage it is in. Kerry responded conceptual, have been working on this since 2017. Hoping for zoning change. Fits with everything to the east.

Definitions- zoning districts. John Soloe questioned 27-201 F -for words and terms not defined, a standard dictionary shall be consulted. A specific dictionary should be listed. Carolyn will add that.

Scott asked about 27-202- accessory use customarily incidental to a principal use. Carolyn stated the use would go with the zone it is in. Used to cover what is normally in the zone and what is a supported use. Carolyn gave several examples.

Carolyn asked if there was an exotic pet ordinance currently? John responded no. Scott responded if no, then it should be added.

John asked about any residential land use not assigned otherwise. Carolyn reviewed the definition and what it means.

John asked that a definition for AEU be added to Concentrated Animal Operation.

John asked if Gross revenue is included? Carolyn replied Yes. John replied he would like to see how it correlates.

Scott asked about Auto Service Station, specifically auto repair shops with no retail or gasoline sales. There needs to be something for this.

Bakery, John asked why manufacturing and production vs. a small store. He feels the square footage needs to be taken out.

Scott asked why the height requirement is 50 feet under communication tower? Presently at 30 feet. Carolyn will check into why it was changed.

John asked about the meaning of natural state in conservation. Is this for easements, what is the intent?

Carolyn will look into it.

John asked what the difference was between hazardous and extremely hazardous?

Scott asked why only a one-story store was allowed for convenience store and convenience store with energy recharge? Carolyn responded these are typically like a 7-11 type store.

Scott asked about cultural/ Community center? Aren't some of these commercial? Carolyn responded we need to figure out what is commercial versus supportive. She will look into this.

Scott stated Day care center , adult should include cognitive issues not just Alzheimer disease.

Scott asked about Dwelling unit not being allowed to have two separate kitchen facilities. What about outdoor kitchens? Carolyn replied only referring to indoors. Scott asked about Dwelling types. Definitions are for one or more than two. There is nothing for two specifically. Carolyn will look into this.

Scott asked about Electric vehicle charging station. This should clarify for commercial, residential, accessory, etc.

Scott stated there is no definition for Bank. It is referred to in financial institution.

01/12/2023

John stated under group home it references definition of treatment center. There is no definition for treatment center. Carolyn replied this could be from Lower Nazareth. She will look into it.

Scott asked about Home-based business, no impact. What if they are an electrician and has employees who meet there but goes out to the job. Carolyn gave examples on how no impact, low impact, and home occupancy are distinguished.

John stated definitions are needed for trucking terminal and working land.

Scott asked if definitions should state if they are residential or non-residential?

Carolyn asked when the next meeting will be held. Does the Planning Commission anticipate any discussions before the next meeting? Scott replied it may be a good idea to do that. We will need to advertise those dates. Carolyn stated she will put together an agenda for the next meeting. Definitions and land uses will be reviewed.

OLD BUSINESS:

Scott Sylvainus stated there was nothing at this time.

COURTESY OF THE FLOOR

Susan Brooks asked if the link to the updates was working and available. Scott responded no just internal ability.

ADJOURNMENT

Scott Sylvainus adjourned the meeting at 9:05 PM.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

01/12/2023

**UPPER NAZARETH TOWNSHIP
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100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of April 13, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, April 13, 2023, in the Township Building.

ROLL CALL

The following members were present: Jay Benfield, Pamela Berlew, Jim Campana, Scott Sylvainus, Zoning Officer John Soloe and Recording Secretary Deanne Werkheiser. Township Manager Lisa Klem attended virtually.

APPROVAL OF AGENDA

Motion was made by Pamela Berlew, seconded by Jim Campana to approve the April 13, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Jim Campana, seconded by Scott Sylvainus to approve the February 9, 2023, meeting minutes. Motion approved unanimously.

Motion was made by Jay Benfield, seconded by Scott Sylvainus to approve the March 9, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Zoning Ordinance update. John Soloe stated the last version of the definitions was supplied by EPD. He made the members copies with his suggestions. He would like to go through these page by page. Scott Sylvainus asked if our previous suggestions were integrated? John responded no.

John stated that there were numerous repeats that can be removed. He proceeded to review definitions that needed to be addressed and reviewed.

Part 2- Definitions

27-201- Webster's dictionary should be added to standard reference dictionary.

27-202-Land use terms defined

Adult use- massage parlor- discussed adult use versus regular message parlor, reflexology, etc. "below the waist" should be removed. The minimum certification hours should be removed. This should be reviewed and discussed further.

Animal, domesticated- remove pets.

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Auto/ Truck/ Body Collision Center and Auto Service/ Repair Station were discussed. Auto Service/ Repair Station allows sale of gas, but no repairs can be conducted like changing tires, repair flats, etc. Repair should be added to first title- Auto/ Truck/ Body Collision/ Repair Center. Scott stated that better definitions are needed for both. Pamela agreed. This should be reviewed and discussed further.

Bakery- Pamela stated "no greater than 3,000 square feet" should be removed, we should not limit them. Scott stated this was discussed last month and not changed.

Commercial communications tower- Scott stated this was discussed last month and not changed. John stated there are multiple definitions for antennas in the ordinance.

Concentrated animal feeding operation and Concentrated animal operation- John stated these are no where else in the ordinance. Why do we have them?

Conservation- Pamela stated the definition sounds like preservation not conservation. This should be reviewed and discussed further.

Convenience Store- Scott asked why only one story? Pamela suggested removing that.

Convenience Store with fuel/ energy recharge- Scott stated this should just say a convenience store that includes the sale and pumping of gas and/or electric vehicle charging stations.

Day Care Center, adult- Scott stated there is an issue with just referencing Alzheimer's. Pamela agreed the definition should be more accurate. Pamela stated the last three sentences are good and should stay in definition. State "providing licensed supervised care" instead of "providing supervised care". This should be reviewed and discussed further.

Dwelling Types- types and districts they are allowed in where discussed. Is a duplex an apartment? Twin should be added to single family attached. Condominiums where discussed. Apartments and what is suggested in the Comprehensive Plan were discussed. This should be reviewed and discussed further.

Essential Services- communications misspelled?

Financial Institution- bank definition referenced but not included. This should be reviewed and discussed further.

Group Care Facility- Scott asked why sections 1 and 2 are included? They seem contradictory. This should be reviewed and discussed further.

Junkyard- #2 makes no sense with the definition of junk. This should be reviewed and discussed further. Jay stated that all the definitions should be in alphabetical order. They should not be in two separate sections.

Manufacturing, light- this definition is contradictory. Why is basic industrial processing excluded and what is it? No definition. This should be reviewed and discussed further.

Membership Club- This should be reviewed and discussed further.

Office, Professional- Pamela stated she was not sure about the no retail aspect. A photography studio would sell frames. Etc. This should be reviewed and discussed further.

Outdoor storage, vehicular- John asked what this section ties to? Pamela responded we need to have something in place if someone complains. Is this a Zoning issue? What about a home with two driveways? This should be reviewed and discussed further.

Pets, keeping of- what about snakes, lizards, etc. This should be reviewed and discussed further.

Pharmacy- is a grocery store like Giant now considered a pharmacy? What about CVS? This should be reviewed and discussed further.

Prison or similar correctional institution- A better definition is needed. Several were looked up that could be used. This should be reviewed and discussed further.

Public Recreation- Change Borough to Township.

Swimming Pool, accessory- 48 inches is referenced, 24 inches by code for inspections. Definitions should be corrected to comply with codes.

Warehouse- no definition of cross-docking or truck terminal. These need to be added.

01/12/2023

Definition for working land needs to be added.

27-203- all other definitions

Jay stated that all the definitions should be in alphabetical order. They should not be in two separate sections.

Building- why 50 cubic feet?

Building, Principal- why "for the conduct of"? This should be removed.

Conditional Use- review and approve order incorrect. Approved by Board of Supervisors first. This should be reviewed and discussed further.

Disturbance and earthmoving- aren't these synonymous?

Equipment- incorrect definition. This should be reviewed and discussed further.

Impervious coverage and Impervious surface- These should be reviewed by the engineer due to it referencing a specific coefficient amount.

Lot- what is a unit? This should be reviewed and discussed further.

Property, receiving and Property, sending- what is this and why? This should be reviewed and discussed further.

Recreational vehicle- brief discussion on size of vehicle and truck. This should be reviewed and discussed further.

Sign Types- These should all be in the Sign section- this should just say see signs section #...

Site Alterations- Isn't this disturbance? This should be reviewed and discussed further.

Unregistered Vehicle- parts no longer applicable- no stickers. This should be reviewed and discussed further.

Urban Agriculture- where? What acreage requirement? This should be reviewed and discussed further.

Violation-Why is floodplain management regulations referenced. This should be reviewed and discussed further.

Watercourse- two definitions. The members liked the first definition.

John stated this is their homework. Look through all the definitions. Including allowed uses in districts. Some restrictions are too restrictive. This could leave us open for legal issues. Some permitted and unpermitted uses make no sense.

OLD BUSINESS:

Scott Sylvainus stated there was nothing at this time.

COURTESY OF THE FLOOR

None.

ADJOURNMENT

Motion was made by Pamela Berlew , seconded by Jim Campana to adjourn the meeting at 8:55 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

01/12/2023

**UPPER NAZARETH TOWNSHIP
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100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of May 11, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, May 11, 2023, in the Township Building.

ROLL CALL

The following members were present: Jay Benfield, Pamela Berlew, Jim Campana, Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Clerk Angela Strohl, and Recording Secretary Deanne Werkheiser.

Scott Sylvainus welcomed new member Robert Williams.

APPROVAL OF AGENDA

Motion was made by Pamela Berlew, seconded by Jim Campana to approve the May 11, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Jay Benfield, seconded by Jim Campana to approve the April 13, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Zoning Ordinance update. John Soloe stated the last version of the definitions was supplied by EPD. He made the members copies with his suggestions. He and Angela have been meeting with Carolyn and updating per the Planning Commissions discussions. Scott asked what has changed? John responded the list of definitions was alphabetized. This allowed for removal of duplicates. This will be the last review of definitions so that we can come up with something that is acceptable. John stated he would like the members to review and give comments prior to his next meeting with Carolyn. He would like the comments by next Tuesday or Wednesday.

Part 2- Definitions

27-201- Webster's dictionary has been added as standard reference dictionary.

27-202-Land use terms defined

Abut or Abutting- Pamela Berlew asked if we should have a definition for adjoining? John replied no, not necessary.

Automobile Salvage Yard- under uses there is a difference between Junk Yard and Salvage yard.

Adult use- massage parlor- Carolyn is working on something that will be acceptable to us.

Animal, domesticated- removing pets. Robert asked about chickens. John responded they are in a different section.

Auto Detailing Shop, Auto/Truck/ Body Collision Center, and Auto Service/ Repair Station- these have been updated and now make more sense for a true description.

01/12/2023

Bakery- this has been corrected.
John stated there is a flood plain section.

Building- this is still being looked at. The cubic footage referenced is a carryover from years ago.

Building, principal- the word conduct- looking into the verbiage.

Cable- this is being reviewed. Not sure where this is carried over from.

Car wash- there is an issue where these are allowed due to the original questionnaire answers.

Clear cutting- there are not enough woods in the Township for this.

Commercial communications tower- The multiple definitions have been combined. Still working on cleaning it up. Scott asked about the new devices that are attached to telephone poles. John responded they are in the right of way. Brief discussion of cell towers and locations ensued.

Concentrated animal feeding operation and Concentrated animal operation- the Township is not big enough for this.

Conditional Use- starts with the Supervisors then goes to the Planning Commission.

Convenience Store- Should this be limited to only one story? The use on upper level would vary by district and what is required. This needs to be discussed further.

Craftsman/ artisan studio- remove the square footage reference, this would be regulated by district.

Day Care Center, adult- this has been cleaned up. Pamela asked if the Child Day Care Center should be here as well.

Distribution Center, types 1 and 2- the differences were reviewed. These need to be reviewed and compared with warehouse definitions. Scott asked about the 30-day requirement.

Disturbance- this has been simplified.

Dwelling Types- Duplex has been removed. Brief discussion on dwelling types and districts where they are allowed. Scott would like the limits for buildings on a lot reviewed. An example is several apartment buildings on one large lot.

Earthmoving- more in depth than disturbance.

Equipment-definition makes no sense. Should this be removed?

Essential Services- Robert stated this definition needs to be updated or removed. Communications is misspelled in the definition.

Financial Institution- bank definition referenced but not included. Per the Websters dictionary will be added.

Group Care Facility and Group Home- these have been updated. Brief discussion ensued over the differences- jail, halfway house, prison, etc. The difference may be whether they can come and go at will. To be reviewed further.

Home improvement-/ Building Supply- square foot should be removed.

Impervious coverage and Impervious Surface- this will be part of the MS4 Ordinance. Engineer should be reviewing. Last sentence in Impervious Surface needs to be removed.

Junkyard and Junk Vehicle- This should be reviewed and discussed further. #2 makes no sense with the definition of junk. Scott stated numbers 6 through 11 Junk vehicle are the same as what is in Junk yard. Why are they under vehicle?

Lot- no definition for unit. The definition should end at the word law. The rest should be removed.

Manufacturing, light and Heavy- This should be reviewed and discussed further. The members need to understand the differences.

Minor Repair-beginning makes no sense. John wondered what Lower Nazareth has.

Obstruction- drainage easement needs to be added.

Office, Professional- This should be reviewed and discussed further.

Open Space Development Option- This should be reviewed and discussed further.

01/12/2023

Pets, keeping of- what about snakes, lizards, etc. This should be reviewed and discussed further.

Prison or similar correctional institution- Remove required to inhabit and replace with confined.

Public Recreation- Add Township to the list.

Recreational vehicle- remove Light-duty in reference to truck.

Restaurant- the word tavern needs to be defined or add see dictionary.

Sign Types- These should all be in the Sign section- this should just say see signs section #7.

Slope- This should be review by Engineer for what is allowed on slope areas.

Swimming Pool, accessory- 48 inches is referenced, 24 inches by code for inspections. Definitions should be corrected to comply with State Codes. Would require a four-foot fence. There are no references to ponds. How do they fit in?

Unregistered Vehicle- parts no longer applicable- no stickers. This should be reviewed and discussed further.

Violation-this should be removed.

Warehouse- these need to be reviewed. Some restrictions are too restrictive. This could leave us open for legal issues.

Working lands- no definition yet.

John stated this is their homework. Look through all the definitions. Including districts and allowed uses in districts. Sections three and four are going to be big ones. Comparison sheets will be compiled so that we can see what they are and what they used to be.

Everything should be in square footage. Easier for everyone and more cohesive. Used allowed and not allowed need to make sense. Uses will take time to review as they are very important.

OLD BUSINESS:

Scott Sylvainus stated there was nothing at this time.

COURTESY OF THE FLOOR

None.

ADJOURNMENT

Motion was made by Jay Benfield, seconded by Jim Campana to adjourn the meeting at 8:45 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

01/12/2023

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of June 8, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, June 8, 2023, in the Township Building.

ROLL CALL

The following members were present: Pamela Berlew, Jim Campana, Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Clerk Angela Strohl, and Recording Secretary Deanne Werkheiser. Jay Benfield was absent.

APPROVAL OF AGENDA

Motion was made by Pamela Berlew, seconded by Robert Williams to approve the June 8, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Robert Williams, seconded by Pamela Berlew to approve the May 11, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Zoning Ordinance update. John Soloe stated the latest version of the definitions was supplied by EPD. Carolyn did make most of the suggested changes. These were emailed and members have copies. This is the last review of definitions. They are 80% complete. Mostly minor changes needed. John went through definitions with the members. The members gave their comments next. Audience members can make comments after members are done.

Part 2- Definitions

27-202- terms defined

Adult use- new items added to this section. He has a problem with Adult Modeling Studio. Pamela asked why it cannot just be removed. He is waiting for districts and allowable uses. Still working on the definition for massage parlor.

Age-restricted residential development- John stated we need to look at subsection once we are through definitions.

Auto Detailing Shop, Auto/ Truck/ Body Collision Center, Auto Salvage Yards, and Auto Service/ Repair Station- these have been updated. Scott asked why there are so many. John replied depends on allowable districts.

Electric Vehicle Charging Station, Residential- Pamela asked if this is needed. Scott replied it might be to prevent the sale of charging to others. Brief discussion ensued.

01/12/2023

Financial Institution- Pamela asked if this is a check cashing facility? Robert replied per Wall Street definitions it could be a broker, insurance company, casino, etc.

Group Care Facility and Group Home- Pamela stated that they do not look like they have been updated. Scott asked how Group Care Facility differs from a prison. John replied it is a softer term for prison. Pamela found another definition. She suggests setting a limit like there is in Group Home. They could have 200 persons in a Group care Facility. There are no maximums. To be reviewed further.

Junkyard and Junk Vehicle- Junkyard was updated. Pamela and Scott stated numbers 6 through 11 Junk vehicle are the same as what is in Junk yard. They are duplicates and need to be removed.

Kennel- Cats need to be added.

Livestock- AEU is equivalent to 1,000 pounds. Brief discussion of area needed for specific animals.

Lot Width- This has been updated.

Medical Marijuana Grower or Processor Facility- This has been updated.

New Construction- This has been updated.

Nursing Home- This has been updated.

Office, Professional- This has been updated.

Package Delivery Services- This has been updated.

Personal Services- This has been updated. But Photo shops has been removed. Our current Ordinance states "does not include adult uses. Should that still be included.

Post-Firm Structure and Pre-Firm Structure- These have been updated.

Prison or similar correctional institution- This has been updated. It is now concise and to the point. Scott asked if the square footage requirements were removed from Bakery, Convenience Store, etc. John responded that those were removed.

Residential Lot Lines- this is not needed and will be removed.

Sewage Service Central and Sewage On-lot- Clarification is needed on these.

Sign Height- Needs to be moved to Part 7 with the rest of sign definitions.

Pamela stated we need a definition for Self-Storage.

Slope- This has been updated.

Swimming Pool, Accessory- This has been updated.

Tavern- This has been updated.

Pamela stated we need a definition for Trade Schools.

Treatment Center- Scott pointed out second paragraph under number three. This needs to be reviewed.

Water Service, Central-Pamela asked why it is twenty or more. Why can't it be nineteen? Trying to figure out why sewer is five and water is twenty.

John reminded the committee definitions are not the regulations.

Brian Sayago stated he has numerous questions. Some are the same as have been brought up. Why isn't EDP in attendance? Scott explained that it is very costly to have EDP in attendance of every meeting. It is better for us to go through everything and submit it back to them with our comments. We are nearing the end of funds available. Brian stated he is unhappy with EDP's performance.

Brian stated there are several serious flaws with the definition for Bank. Why is the Bed and Breakfast definition without cooking facilities? Pamela replied these are our current definitions. Brian replied this could be turned into a short-term temporary rental. Air B & B's are not addressed. Very important to do now. The entire Country is dealing with these issues now. There are no definitions for Hotel or Bar, we should have those.

Pamela stated we do have one for Tavern. She does agree we should have Hotel and Motel definition. John replied they may not be needed if not allowed in any district. Brian stated there is no definition for Mobile Homes. Scott replied this is covered in the next section. Robert stated it is an immense task to cover everything. Definitions are important.

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John went through Part 4- Additional requirements for specific uses with the members.

Part 4- Additional requirements for specific uses

27-402- Additional requirements for specific principal uses-

1. D- Apartment, Conversion- needs more information
 - J- Bed and Breakfast- TD4 & TD6
 - M- Bus Station or Taxi Terminal- needs more information
 - O- Car wash- 4- John asked why the restriction. 6- John asked why minimum of five acres. Shammy Shine and Sparkle care washes are on lots less than one acre.
 - Q- Commercial Crop Storage- needs more information.
 - R- Convenience Store-John asked why only allowed on a lot fronting Route 191?
 - S- Convenience Store with Fuel/ energy recharge- 9- B- 6 pumps per canopy. Only one nozzle per pump or 2 nozzles per pump?
 - W, X, and Y-needs more information.
 - DD- Kennel- only dogs?
 - EE- Livestock and poultry, raising of- 10-A- John asked why this needs to be reviewed by the County Conservation District.
 - FF- Manufacturing, heavy- needs more information.
 - GG-Medical Marijuana Grower or Processor Facility- 5- John asked why this is needed. 10- this part has been added. This is a legal issue. This is much more in depth than ours is currently. Multiple items throughout will need legal review.
 - JJ- Mobile home Park- 3 and 4- What about double wides? Brief discussion ensued about the difference between mobile homes, which have a title not a deed, and manufactured homes. 13- is this correct? Need engineering review. Robert asked about adding Tiny Homes. John replied no because they do not meet the square footage requirement which has a minimum of 600 square feet.
 - MM- Place of Worship/ Assembly- 3- this section was added.
 - PP- Age-restricted Residential development- needs more information.
 - RR- Single-family detached dwelling- this section needs to be reviewed. John stated it is easier to use square footage than percentages of acres. Need to address if we stay with two and a half stories or 35 feet height. Do we change it to three?
 - VV- Townhouses and Apartments- This section needs to be reviewed. 7- is different from what we currently have.
- 27-403- Additional requirements for accessory uses-
- 2- accessory setbacks- John has an issue with the definition. We have building setback requirements.
 - 4- A- why? Or are these allowed? A-2-i- if permitted why does it have to go before the Zoning Hearing Board? A-4- why is this included?
 - H- fences and walls- this is only residential. Should have something specific for non-residential. 3-d- setbacks- needs review, why included?
 - N- 4- absolutely no chickens, ducks, geese, pigeons, etc. on 1 acre or less.
 - U- unit of care of relative- needs review.

John stated he would like the committee to review part 4 for the next meeting. We will start on part 5, which is uses. We will spend a lot of time on this part. Pamela questioned part 3. John replied it is the administrative section. It is a common section, it is ok.

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Pamela asked for copies in Word for ease of reviewing and searching. John responded yes, but in sections so that everyone has the most current version. Pamela responded all documents will become obsolete as changes are made.

Brian Sayago also requested copies in Word.

OLD BUSINESS:

Scott Sylvainus stated there was nothing at this time.

COURTESY OF THE FLOOR

Julie Burkart stated she was representing Heidelberg Materials. She is present to look out for their property interests. She asked if they can be involved, give input. John Soloe responded it is too early in the process for that. Scott Sylvainus replied that uses are not really changing. New uses are being added and certain uses will be picked up by other municipalities.

ADJOURNMENT

Motion was made by Pamela Berlew, seconded by Robert Williams to adjourn the meeting at 9:15 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

01/12/2023

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of June 22, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, June 22, 2023, in the Township Building.

ROLL CALL

The following members were present: Pamela Berlew, Jim Campana, Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Clerk Angela Strohl, and Recording Secretary Deanne Werkheiser. Jay Benfield was absent.

APPROVAL OF AGENDA

Motion was made by Pamela Berlew, seconded by Robert Williams to approve the June 22, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Robert Williams, seconded by James Campana to approve the June 8, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Zoning Ordinance update. John Soloe stated the members will be reviewing Part 4- Additional Requirements for Specific Uses.

Part 4- Additional Requirements for Specific Uses

See attached with notes and discussions.

OLD BUSINESS:

Scott Sylvainus stated there was nothing at this time.

COURTESY OF THE FLOOR

Brian Sayago asked where these came from. Scott replied our ordinance and EPD. This section will be smaller once we go through it and remove unnecessary items.

ADJOURNMENT

01/12/2023

Motion was made by Robert Williams, seconded by James Campana to adjourn the meeting at 8:55 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

Part 4 ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

§ 27-401. Applicability.

1. This Part establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this chapter and the requirements of each district. Wherever two requirements conflict, the stricter requirement shall apply.
 - A. For uses allowed within a specific zoning district as "special exception" uses, see also the procedures and standards in § _____. For conditional uses, see also § _____.

§ 27-402. Additional Requirements for Specific Principal Uses.

1. Each of the following uses shall meet all of the following requirements for that use:
 - A. Adult Day-Care Center.
 - (1) The use shall be fully licensed by the state, if required by the state.
 - (2) The use shall include constant supervision during all hours of operation.
 - (3) The use shall not meet the definition of a "treatment center."
 - B. Age-Restricted Residential Development. See §27-314.
 - C. Any Residential Land Use Not Assigned Otherwise.
 - (1) The impact of the proposed use on the adjacent properties, surrounding neighborhood, and/or environment shall remain equal to or less than any use specifically listed in the same Base Zoning District.
 - (2) Any use shall be in conformance to the dimensional standards of the TD4 District.
 - D. Apartment, Conversion.
 - E. Apartments. See "Townhouse and Multifamily (Apartments) Dwellings" in this section.
 - F. Assisted Living Facility/Personal Care Center. The standards for Nursing Homes in this section shall apply.
 - G. Auto Service/Repair Station.

Commented [DW1]: John stated this is Missing information.

Commented [DW2]: (6) Scott asked if this is pertinent. Bob suggested adding within 60 or 90 days. John suggested adding removed as soon as possible and not kept as junk/storage.
(7) John takes this as dismantling.

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- (1) All service and/or repair activities shall be conducted within an enclosed building.
- (2) All exterior off-street parking and storage areas shall be screened from adjoining residential uses and districts.
- (3) Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street).
- (4) The outside storage of more than one (1) unlicensed vehicle is prohibited.
- (5) Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residential uses or districts.
- (6) All vehicles and machinery shall be repaired and removed from the premises.
- (7) The demolition or junking of vehicles and machinery is prohibited.
- (8) The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

H. **Auto, Boat or Mobile home Sales.**

- (1) No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in § ____.
- (2) See light and glare standards in § ____.
- (3) Any mobilehomes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.

Commented [DW3]: (2) Scott asked why so many other sections are being referenced. John replied this is the way our current Ordinance is set up. We will work on cleaning this up.

I. **Auto/Truck/Body Collision/Repair Center.**

- (1) All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a "residential lot line."
- (2) All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Part 5. See buffer yard requirements in § ____.
- (3) Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
- (4) Overnight outdoor storage of "junk" other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
- (5) Any "junk vehicle" (as defined by Part 2) shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of six junk vehicles may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
- (6) Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.

Commented [DW4]: (2) John stated this should not be here.
(4) Scott asked what are permitted junk vehicles? John stated there is a difference between Junk and Junk vehicle. Bob reviewed the definition of junk.

J. **Bed and Breakfast.**

- (1) Bed and Breakfast as a Principal Use in TD4 Village Residential and TD6 Village Mixed Use:

Commented [DW5]: John stated these are not allowed Township wide- TD4 and TD6, accessory in TD1. In denser areas, parking will be the most restrictive part as well as impervious coverage due to parking required.

- (a) A maximum of six (6) rental units shall be provided and no more than three (3) adults may occupy one (1) rental unit. Only one (1) Bed and Breakfast shall be permitted per lot.
 - (b) One (1) off-street parking space shall be provided for each bedroom, plus one (1) off-street parking space for each employee at peak hour. To the maximum extent feasible, off-street parking spaces for the Bed and Breakfast shall be: (a) located either to the side or rear of the principal building and (b) screened from the street and abutting dwellings by landscaping. Off-street parking spaces shall be set back a minimum of 10 feet from lot lines.
 - (c) There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of eight square feet on each of two sides and with a maximum height of eight feet. No internal lighting of the sign shall be permitted.
 - (d) Within a residential district, the use shall have a residential appearance and character.
 - (e) The use shall be owned, operated or managed by permanent residents of the lot.
 - (f) There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
 - (g) No guest shall stay for more than 14 days in any month.
- (2) Bed and Breakfast as an accessory use to an Agriculture Operation in TD1 Field and Wood:
- (a) See criteria for Agriculture Supportive Industry/Service in § ____.

K. **Betting Use.**

- (1) Shall be located abutting an arterial or collector street.
- (2) Minimum lot area: 10 acres.
- (3) Minimum building setback from the lot line of any place of worship/place of assembly or residential zoning district: 250 feet.

Commented [DW6]: (2) John stated this seems to be over restrictive. This needs to be looked at from a legal aspect, 10 acres seems too high. Bob asked why is there a minimum lot requirement? Is it needed? John stated he is more concerned about the zone it will be in.

L. **Beverage Distribution.**

- (1) Parking and traffic flow associated with deliveries shall be positioned so as to minimize any conflicts between customer and business operations on site and any adjacent right-of-way.
- (2) Any site development, no matter if indoor or outdoor, shall ensure the following be designed, placed and positioned so as to uphold the continued health, safety and general welfare of any surrounding land uses, including but not limited to residential land uses:
 - (a) Hours of operations;
 - (b) Dumpsters;
 - (c) Outdoor Seating;
 - (d) Areas designated for the serving and/or entertainment of customers.
 - (e) Parking shall include 1 space per 200 square feet of customer sales area, 1 space per 50 square feet of tasting room/serving area, and 1 space per peak hour employee.

Commented [DW7]: (2) a-e Scott asked why these were included. John replied for winery's and distillery's (consumption) which are now very popular. Suggested removing a-d and making e (3). A brief discussion ensued of beverage distribution definition that references code- Title 47.

M. **Bus Station or Taxi Terminal.**

Commented [DW8]: Missing information

N. **Campground.**

Commented [DW9]: John stated this section is good.

- (1) Within a residential district, for each acre of total lot area, there shall be a maximum average of:
 - (a) five (5) recreational vehicle sites (where allowed),
 - (b) ten (10) tent sites, or
 - (c) cabin sleeping capacity for twenty (20) persons. Such sites may be clustered in portions of the tract.
- (2) Retail sales shall be allowed as an accessory use. Within a residential district, any store shall be limited to sales of recreational, household, food, gift and camping items. Within a residential district, any store shall be primarily intended to serve persons camping on the site.
- (3) All campsites, recreational vehicle sites, and principal commercial buildings shall be set back a minimum of 75 feet from any contiguous lot line of an existing dwelling that is not part of the campground or camp. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within this buffer.
 - (a) The screening of evergreens provided in § ___ between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
 - (b) Removal of trees within this buffer shall be only allowed for a necessary crossing of a street (which shall be generally perpendicular to the buffer), stormwater channel, driveway, and utility and to provide safe sight distance.
- (4) Buildings used for sleeping quarters shall not be within the one-hundred- year floodplain.
- (5) No person other than a bona-fide resident manager/caretaker shall reside on the site for more than six months in any calendar year. No recreational vehicle shall be occupied on the site for more than six months in any calendar year by any one individual or one family, other than a resident manager/caretaker.

O. **Car Wash. <additional criteria to be added>**

- (1) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- (2) Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- (3) Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- (4) Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- (5) No portion of a car wash shall be located within 100 feet from the center line of a perennial waterway.
- (6) Minimum lot area: five acres, which shall be reduced to one acre if the applicant proves that most of the water used in the operation will be recycled on-site.

P. **Commercial Communications Antennas/Tower as Principal or Accessory Use.**

Commented [DW10]: (4) John stated hours are listed for manual car washes.
 (6) John stated 5 acres is referenced if they do not recycle the water, but most recycle at this point.

Commented [DW11]: Scott stated smaller antennas are not addressed. John replied they are under a different section.
 (6) this should be at the beginning, not halfway through. Also, the references to the Board of Supervisors/ Zoning Hearing Board are not consistent.
 (9) John stated this section will be clarified.

- (1) An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
 - (a) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - 1) A principal agricultural building or silo.
 - 2) An electric high voltage transmission tower.
 - 3) An existing lawful commercial communications tower.
 - 4) A fire station or steeple or bell tower of a place of worship.
 - 5) A water tower.
 - (b) In a commercial or industrial district, the antennas shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is set back a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
- (2) Any commercial communications antenna/tower that does not meet Subsection ___ above (such as a new freestanding tower) shall only be allowed where specifically authorized in § ___, and in compliance with the following additional regulations:
 - (a) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the surrounding ground level. The Board of Supervisors may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
 - (b) A new tower, other than a tower on a lot of an emergency services station, shall be set back the following minimum distance from any existing dwelling-300 feet plus the total height of the tower above the surrounding ground level.
 - (c) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of eight feet and evergreen plantings or preserved vegetation with an initial minimum height of four feet.
 - (d) The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the Construction Code.
 - (e) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Township.
 - (f) An applicant for a new commercial communications tower shall provide evidence to the Board of Supervisors ("the Board") that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.

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- (3) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Board of Supervisors as a conditional use that a taller height is absolutely necessary and unavoidable.
- (4) The application shall describe any proposed lighting. The Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters. Strobe lighting shall not be used, but flashing lights may be used.
- (5) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
- (6) Purposes. These provisions for commercial communications antenna/ towers are primarily designed to serve the following purposes, in addition to the overall objectives of this chapter:
 - (a) To protect property values.
 - (b) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 - (c) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
- (7) A tower/antenna that is intended to primarily serve emergency communications by a Township-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.
- (8) Any antenna and tower that is no longer in active use shall be completely removed within six months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed. The Board of Supervisors may require that a financial guarantee be posted to pay for removal of the tower if the Board determines such guarantee is needed.
- (9) All accessory utility buildings or cabinets shall: have a maximum total floor area of 400 square feet, which may be divided among adjacent buildings serving separate companies, have a maximum height of 10 feet and meet principal building setbacks.
- (10) No new or existing antenna shall cause interference with public safety telecommunications. The Township may require the applicant for a new commercial communications tower to submit a study by a radio frequency engineer or other qualified professional to analyze the threat of interference.

Q. Commercial Crop Storage.

R. Convenience Store

- (1) In TD5 Town Residential:
 - (a) A Convenience Store shall only be permitted on a lot fronting Route 191.

Commented [DW12]: Missing information.

Commented [DW13]: John stated this whole section is being reviewed and updated. Fronting Route 191 needs to be removed.

- (b) Maximum total floor area. 5,000 square feet.
- (c) Dumpsters shall be placed behind the principal structure and screened in accordance with § ____.
- (d) Parking areas shall be landscaped in accordance with § ____.

S. **Convenience Store with Fuel/Energy Recharge**

- (1) See definition of this term and "Auto/Truck/Body Collision/Repair Center" in Part 2. The uses may be combined if the requirements for each are met.
- (2) At least two access drives with a minimum width of twenty (20) feet shall be provided onto public rights-of-way.
- (3) The Convenience Store shall not exceed 5,000 square feet in total floor area.
- (4) All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
- (5) Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
- (6) Overnight outdoor storage of "junk" shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
- (7) Any "junk vehicle" (as defined by Part 2) shall not be stored more than 20 days within view of a public street or a dwelling. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than six junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
- (8) Dumpsters shall be placed behind the principal building.
- (9) Canopy Structures. A canopy shall be permitted over all gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line.
 - (a) A maximum of two (2) canopy structures shall be permitted.
 - (b) A maximum six (6) gasoline pumps shall be permitted per canopy structure.
 - (c) Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: 1) a sign may be attached to each of two sides of the canopy in place of an allowed freestanding sign, 2) an allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line, and 3) necessary warning signs. light
 - (d) Within the minimum front yard building setback, the distance between the ground level and the bottom of the canopy shall not be greater than 20 feet. Parts of a sloped canopy may have a taller height if the purpose of the taller height is to deflect soot and glare away from the street or neighboring properties.
- (10) Fuel tanks and dispensers and ventilation equipment shall be setback a minimum of 100 feet from the lot line of any residential or institutional use (such as a school or nursing home). Fuel dispensers shall be set back a minimum of 30 feet from the existing street right-of-way line.

Commented [DW14]: (4) Why is spray painting referenced?
 (8) Scott stated dumpsters cannot always be in the back due to accessibility. If not in back needs to be screened.
 (9) b- Scott asked why there is a limit, wouldn't that be based on lot sized? John replied yes.
 (9) c remove light.

T. **Concentrated Animal Feeding Operation (CAFO) or Concentrated Animal Operation (CAO)**

Commented [DW15]: Scott asked why we need it in the ordinance if it needs to follow state law. A brief discussion ensued regarding zones and what requires conditional use.

(1) All Concentrated Animal Operations and Concentrated Animal Feeding Operations are subject to regulations enforced by the State Conservation Commission (SCC) and the Pennsylvania Department of Environmental Protection, pursuant to its authority under the Nutrient and Odor Management Act and the Clean Streams Law, respectively, and its regulatory schemes. Where such uses are permitted as conditional uses, an applicant shall provide proof of compliance with all applicable State law, pending approval by the Board of Supervisors when such proof has been provided.

U. Contractor Office/Yard.

(1) Outdoor storage areas.

- (a) Access to and from any Outdoor Storage areas on a lot shall be paved or graveled to prevent any residual dust, dirt, or debris from spilling into public rights of way.
- (b) Where adjacent to a residential lot, a twenty-five (25) foot landscape buffer in accordance with Section 605 shall be placed parallel to the entire adjoining residential lot line.

Commented [DW16]: John perceives this to be like East Lawn Supply or PA American H2O office.

V. Child Care Center.

- (1) The use shall comply with any applicable state and federal regulations, including having an appropriate Pennsylvania Department of Public Welfare (or its successor agency) registration certificate or license.
- (2) Convenient parking spaces within the requirements of Part 6 shall be provided for persons delivering and waiting for children.
- (3) In residential districts, where permitted as a principal use, a day care use shall have a minimum lot area of 30,000 square feet and a minimum setback for buildings and outdoor play areas of 25 feet from an abutting "residential lot line."
- (4) Fencing of at least four (4) feet in height shall be placed around outdoor play areas.
- (5) This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- (6) In residential districts, any permitted day care use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
- (7) A Child Care Center may occur in a building that also includes permitted or nonconforming dwelling units.
- (8) See also the standards for a "place of worship" in this section, which allows a Child Care Center as an adjunct use.

Commented [DW17]: V (1) Scott asked why this is in the ordinance. Because it is the law.
(3) Why minimum lot requirements? John replied for small in home child care. Angela replied in home child care isn't the principle use.
(5) Does not make sense. Why included?

W. Cultural/Community Center.

Commented [DW18]: Missing information

X. Day Care Center, Adult.

Commented [DW19]: Already done- 1st page, 1-A

Y. Dormitory.

Commented [DW20]: Missing information

Z. Drive-In Theater.

- (1) The minimum lot area for a Drive-In Theater shall be 10 acres.
- (2) Any structure used for the display of motion pictures shall face the rear of the lot and shall be oriented in a manner that does not create a direct sightline to any oncoming traffic on a State

Road.

- (3) The Applicant must demonstrate that a structure dedicated to entry ticket sales will be constructed and situated on the lot.
- (4) The applicant must demonstrate the location of a paved or graveled access drive leading up to the structure dedicated to entry ticket sales, where at least two (2) rows of ten (10) cars each can line up within the boundaries of the lot.

AA. **Emergency Services.** The following uses shall be allowed as accessory uses to the principal use of a fire company station: a banquet hall, small games of chance allowed under state law, and facilities for periodic special events.

Commented [DW21]: County permits. Will review with EDP

BB. **Group Home.** Unless otherwise regulated by the Commonwealth of Pennsylvania, group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

Commented [DW22]: John stated this entire section needs to be reviewed.
(3) how many staff members are required for 12 residents?
(3) c- Scott asked why this is in here? Not needed
(7) who does this pertain to?
(10) defined in definitions
(11) referring to transport van for those with disabilities
(12) what is the code for this. Isn't this required by state? Brief discussion ensued.

- (1) The use shall meet the definition in § ____.
- (2) A group home shall not include any use meeting the definition of a "treatment center."
- (3) A small group home shall include the housing of a maximum of six unrelated persons, and a large group home shall include the housing of a maximum of 12 unrelated persons, except:
 - (a) If a more restrictive requirement is established by another Township Code.
 - (b) The number of bona-fide paid professional staff shall not count towards such maximum.
 - (c) As may be approved by the Zoning Hearing Board under § ____, Subsection ____.
- (4) The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a state or county human service agency, then this requirement shall have been deemed to be met.
- (5) The applicant shall provide evidence of any applicable federal, state or county licensing or certification to the Zoning Officer.
- (6) The group home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer. –The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.
- (7) Any medical or counseling services shall be limited to a maximum of three nonresidents per day. Any staff meetings shall be limited to a maximum of five persons at one time.
- (8) Parking. See § ____.
- (9) If a group home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- (10) The persons living on-site shall function as a common household unit.
- (11) An off-street parking space shall be provided for the largest vehicle that serves the use.
- (12) The building shall have lighted exit lights, emergency lighting and inter-connected smoke alarms.

CC. **Junkyard. (Includes Automobile Salvage Yard).**

Commented [DW23]: (4) Scott stated this comes out of nowhere and references evergreens. Bob asked why just evergreens? John replied they are used so there is continuous screening.
(6) why? Can this be removed?
(8) why is there a maximum size, seems restrictive.
(9) why?
(11) general disclaimer, why included? Remove?

- (1) Storage of garbage or biodegradable material is prohibited, other than what is customarily

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generated on-site and routinely awaiting pick-up.

- (2) Outdoor storage of junk shall be at least: (a) 100 feet from any residential lot line, and (b) 50 feet from any other lot line and the existing right-of-way of any public street.
- (3) The site shall contain a minimum of two exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
- (4) Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a forty-foot wide buffer yard which complies with § ____, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be six feet. Secure fencing with a minimum height of eight feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
- (5) Burning or incineration is prohibited.
- (6) See the noise or dust regulations of Part 5.
- (7) All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
- (8) Lot area: five acres minimum; 20 acres maximum.
- (9) Tires. See the "outdoor storage and display" standards in § ____.
- (10) Any storage of junk shall be maintained a minimum distance of 50 feet from the one-hundred-year floodplain of any waterway, and shall be kept out of a drainage swale.
- (11) Where a junkyard is regulated by both this chapter and another chapter of the codified ordinances of the Township, the provision that is more restrictive upon the junkyard use shall apply.

DD. **Kennel.**

- (1) All buildings in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from all "residential lot lines." This one-hundred-fifty-foot setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.
- (2) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- (3) No animal shall be permitted to use outdoor runs from 9:00 p.m. to 8:00 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.
- (4) See state law regulating kennels.
- (5) Minimum lot area: six acres, unless a larger lot area is required by another section of this chapter.

EE. **Livestock and Poultry, Raising of.**

Commented [DW24]: Scott stated not just for dogs.
(4) Scott asked why included. John replied this has to do with sanitary conditions.

Commented [DW25]: A brief discussion of definitions ensued. (1) minimum and maximum questioned.
(6) Scott asked why this is included.
(7) John stated this is part of land development phase
(10) John stated we are working on this one.

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	Raising of Livestock or Poultry
Max. Building Coverage	10%
Max. Impervious Coverage	20%
Minimum Lot Area	5 acres
Min. Lot Width at Min. Building Setback Line (feet)	300
Max. Building Height* (feet)	35
Min. Yards Front/Side/Rear (feet)	150/100/150

- (1) Minimum lot area: five acres, except a minimum lot area of 25 acres shall apply for an "intensive raising of livestock or poultry" use.
- (2) Except for an intensive raising of livestock or poultry use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: (a) 300 feet from a lot in a residential district, (b) 150 feet from an existing dwelling that is not within a residential district, and (c) 50 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- (3) For an intensive raising of livestock or poultry use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: (a) 500 feet from a lot in a residential district, (b) 200 feet from an existing dwelling that is not within a residential district, and (c) 100 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- (4) The setbacks from lot lines provided in this § ____, Subsection ____ for this use shall not apply from dwellings or lots owned by: (a) the operator or owner of the livestock use, or (b) affected property owners providing a written notarized letter waiving such setback.
- (5) Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
- (6) The keeping of putrescent garbage-fed swine shall meet the setbacks for an intensive raising of livestock or poultry use. See the State Domestic Animal Law provisions regarding garbage-fed animals.
- (7) For a new or expanded raising of livestock or poultry use, evidence shall be provided by the

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operator/applicant to the Township to show that there will be compliance with procedures and requirements of the State Nutrient Management Act, 3 Pa.C.S.A. § 501 et seq., and accompanying state regulations.

- (8) Buildings used for the keeping of livestock or poultry shall:
 - (a) Meet Township floodplain regulations.
 - (b) Not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir.
 - (c) Not be located within 100 feet of an active public water supply drinking well or an active intake for a public water supply.
- (9) For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management Regulations, that state setback shall apply. For any other manure storage facilities, a one-hundred-foot minimum setback shall apply from all lot lines.
- (10) The following additional requirements shall apply to an intensive raising of livestock or poultry use:
 - (a) The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
 - (b) The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. The applicant shall provide a written comparison of proposed methods of controlling insect and odor nuisances and avoiding water pollution to applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for Environmental Protection, or their successor publications. The applicant may meet this requirement by providing a cross-reference to certain sections of such manuals or other written industry standards to describe the methods that will be used.
 - (c) The location of the facility is requested to consider prevailing wind patterns as they may affect the nearest existing dwellings.
 - (d) An area shall be provided for trucks to turnaround on the property that avoids the need to back out onto a public road.

FF. Manufacturing, Heavy.

Commented [DW26]: Missing information

GG. Medical Marijuana Grower or Processor Facility.

Commented [DW27]: John stated they are working with EDP on this one. Questions on justification, legal issues, and why certain items are included.

- (1) It is the intent that a grower and processor of medical marijuana shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are in the same district to comply with Section 2107(1) of the Pennsylvania Medical Marijuana Act, Act 16 of 2016.
- (2) Medical marijuana may only be grown and processed in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Department of Health. Solid or liquid waste byproduct or remnants generated from the operation shall also be stored in the enclosed secured principal building until picked up for transportation to a facility authorized to accept such waste. Storage of medical marijuana waste remnants in an accessory building or waste refuse container located outside of the principal

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building is prohibited.

- (3) Loading areas shall be located within the principal building.
- (4) Growing and processing of medical marijuana shall be limited to wholesale products for sale to another medical marijuana facility. Retail sales of medical marijuana including the operation of a medical marijuana dispensary on the same property as the growing and processing operation is prohibited.
- (5) The use may not be located within 1,000 feet of the lot line of a public, private, or parochial school or Child Care Center unless a waiver is granted by the Pennsylvania Department of Health.
- (6) All outdoor lighting shall comply with § ___ of this Ordinance.
- (7) Off-street parking and loading spaces shall be provided in accordance with §§ Part ___ of this Ordinance.
- (8) A screen or buffer under § 27-___ of this Ordinance is required where the use adjoins a residential district or use.
- (9) The use shall obtain a permit and approval from the Pennsylvania Department of Health and the user shall provide a copy of that approval to the Township.
- (10) Growers/processors shall post a bond in the amount of ___ to secure the Township's potential cost of soil and/or water contamination or abatement of unsafe or dangerous conditions as authorized by law or any provisions of this Ordinance.

HH. Membership Club.

- (1) Any active outdoor play areas shall be set back at least 30 feet from any abutting "residential lot line."
- (2) This use shall not include an "after hours club."

II. Mineral Extraction. – FIND SST KURT LANGUAGE ON PERMITTING

- (1) If a mineral extraction use involves mining activities over more than two acres of land in any calendar year, then the following additional requirements shall be met:
 - (a) A copy of all information submitted to state agencies shall also be submitted to the Zoning Officer at the same time.
 - (b) A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Township permits.
 - (c) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some productive or beneficial future use.
 - (d) A fifty-foot-wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. The Board of Supervisors may require this yard to include an earth berm with a minimum average height of six feet and an average of one shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.

Commented [DW28]: ? not sure what this is referencing-
sst kurt
Scott stated shouldn't this be federal mining regulations.
(e) The distances should match federal regulations. Scott asked if it is necessary to change from what we are currently allowing? John replied he is having EDP review this entire section.

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- 1) New trees shall not be required where preserved trees will serve the same purpose.
- (e) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - 1) One hundred feet from the existing right-of-way of public streets and from all exterior lot lines of the property.
 - 2) One hundred fifty feet from a nonresidential principal building, unless released by the owner thereof.
 - 3) Four hundred feet from the lot line of a dwelling.
 - 4) One hundred fifty feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.
- (f) The excavated area of a mineral extraction use shall be set back 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two acres.
- (g) Truck access to the use shall be located to reasonably minimize: hazards on public streets and dust and noise nuisances to residences.
- (h) Fencing. The Board of Supervisors may require secure fencing in locations where needed to protect public safety. As an alternative, the Board of Supervisors may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
- (i) Hours of Operation. The Board of Supervisors, as a condition of conditional use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
- (j) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
- (k) A plan shall be submitted showing sequential phases of mining activities on the land. Reclamation shall be initiated on one phase before the next phase is opened for mining.
- (l) A plan shall be submitted showing how dust will be controlled.

JJ. **Mobile home Park.**

- (1) Plans and Permits. Plans shall be submitted and reviewed by the Township for all mobilehome parks in compliance with the mobilehome park provisions of the Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this section).
- (2) The minimum tract area shall be three contiguous acres, unless a larger tract area is required by § ___ in a particular zoning district. This minimum tract area shall be under single ownership.
- (3) Density. The maximum average density of the tract shall be four dwelling units per acre.
- (4) To calculate this density: 1) land in common open space or proposed streets within the park may be included, but 2) land within the one- hundred-year floodplain, wetlands and slopes over 25% shall not be included.

Commented [DW29]: (3), (4), (13) John stated these will need to be reviewed by engineering for clarification, include double wides.

- (5) Landscaped Perimeter. Each mobilehome park shall include a thirty-five-foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Board of Supervisors as part of any required conditional use approval. Such landscaped area shall not be required between adjacent mobilehome park developments. The same area of land may count towards both the landscaped area and the building setback requirements.
- (6) A dwelling, including any attached accessory building, shall be set back a minimum of 25 feet from another dwelling within the mobilehome park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- (7) The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
- (8) The minimum principal and accessory building setbacks from exterior/ boundary lot lines and rights-of-way of preexisting public streets shall be 50 feet.
- (9) Accessory Structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
- (10) "Common Open Space" for a Mobilehome Park. A minimum of 15% of the total lot area of the entire mobilehome park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails, including segments that are ADA accessible. A recreation building or pool available to all residents of the development may count towards this requirement.
- (11) Streets.
 - (a) Access to individual mobilehome spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
 - (b) Streets within the mobilehome park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
 - (c) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Township cartway construction standards.
- (12) Utilities. All units within the mobilehome park shall be connected to a public water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements. The applicant shall prove that adequate provisions are made for solid waste disposal.
- (13) Along through-streets, a minimum nighttime lighting level of 0.2 footcandles shall be maintained, at no expense to the Township.?
- (14) Other Requirements. A mobilehome park shall comply with all of the same requirements of Township ordinances that apply to a subdivision or land development of site-built single-family

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detached dwellings, except for requirements that are specifically modified by this § ____, Subsection ____. This includes, but is not limited to, submission, approval and improvement requirements of the Township Subdivision and Land Development regulations.

KK. **Nursing Home.**

- (1) Licensing. See definition in Part 2.
- (2) A minimum of 15% of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

Commented [DW30]: (1) does not need to be included

LL. **Personal Care Boarding Home or Group Care Facility.**

- (1) This use shall be located only on property which has direct access to an arterial street.
- (2) Conversion of existing structures into this use must meet the site plan requirements for new construction according to Section ____.
- (3) Minimum lot size of 10,000 square feet shall be required.
- (4) A buffer area of 15 feet shall be provided along all adjacent property lines. The type of screening shall be in accordance with §27-____.
- (5) Parking shall be required as follows: One space for every two employees, plus one space for every three residents.
- (6) The applicant must supply to the Township (and keep current) the name of a manager and/or other person responsible for responding quickly to a complaint filed by the Township.

Commented [DW31]: Scott stated this may be for low income or run by a church.
(5) parking requirements need to be reviewed.

MM. **Place of Worship/Assembly.**

- (1) Minimum lot area: two acres in a residential district, unless a larger lot area is required by the applicable zoning district. In any other district, a place of worship shall meet the minimum lot area provided in Part 3 for that district.
- (2) Weekly religious education rooms and meeting rooms are permitted accessory uses provided they are incidental to the place of worship. A primary or secondary school and/or a child or adult Child Care Center may be approved on the same lot as a place of worship provided the requirements for such uses are also met. See § ____. Buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.
- (3) A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family. Such dwelling shall meet the maximum number of unrelated persons in the definition of a "family." No other residential use shall be allowed.
- (4) If within a residential district, any new place of worship shall be adjacent to an existing collector or arterial street that is in public ownership.
- (5) Minimum building setback from a lot line of an existing dwelling in a residential district: 60 feet.
- (6) Minimum parking setback from a lot line of an existing dwelling in a residential district: 20 feet.

Commented [DW32]: (3) family includes up to 3 unrelated members.

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of July 13, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, July 13, 2023, in the Township Building.

ROLL CALL

The following members were present: Jay Benfield, Pamela Berlew, Jim Campana, Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Clerk Angela Strohl, and Recording Secretary Deanne Werkheiser.

APPROVAL OF AGENDA

Motion was made by Pamela Berlew, seconded by Robert Williams to approve the July 13, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Pamela Berlew, seconded by Robert Williams to approve the June 22, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Scott distributed copies of the model warehouse ordinance emailed to COG members from Northampton County.

Zoning Ordinance update. John Soloe stated the members will continue reviewing Part 4- Additional Requirements for Specific Uses, starting at 27:95 NN

NN. Recreation, Commercial Outdoor.

2- Pamela asked why "publicly-owned recreation," a "golf course," or a "motor vehicle racetrack" are listed and excluded? John responded these are businesses and not recreational. Brian Sayago asked where these are from. Scott replied EPD.

6- Maximum impervious coverage in any residential district: 20%. Scott asked why this is included. John replied this may be in TD1, depends on the district.

9- Where woods exist adjacent to an exterior lot line of the use adjacent to a residential lot line, such woods shall be preserved within at least 20 feet of such lot line, except for approved driveway, utility and trail crossings. Where such woods will not exist, a twenty-foot wide buffer yard in accordance with § ___ shall be required. Scott asked what are woods. Brief discussion ensued.

11- Any restaurant open to the public, tavern, firearms target range, camp, campground, or commercial picnic ground use shall only be allowed if those uses are permitted in the applicable district and if all

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requirements for each such use(s) are also met. Scott and Pamela questioned the need for this. John replied in case the owner wanted to add them in.

OO. Recycling Collection Center. Pamela asked if this is referring to private business, municipal run, or the bins they have in parking lots? John stated oversight is needed so that areas do not become dump sites.

PP. Age-Restricted Residential Development. See § _____. More information needed

QQ. Single-Family Detached Dwelling.

1- Dimensional Standards. The following requirements for a Single-Family Detached Dwelling shall supersede the base zoning district dimensional requirements as listed in the Zoning District Quick Views. John stated he prefers actual square footage over decimals since that is easier for everyone. Example- .8 = 34,848, .3 = 13, 068, 1 acre = 43,560, etc. These amounts have changed to allow for the current nonconforming lots. The majority of existing nonconforming lots will now be conforming. Going from 1,200 nonconforming to 85 nonconforming. John discussed how permitted uses by zone will be in the new ordinance. John stated he wants to make sure section 306 stays in. easy for people to use and review. This section may be moved back to 306.

5- The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable state and federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this chapter. Scott asked why this is necessary. Robert replied if you violate state or federal law you would lose your ability to operate. Pamela stated 2 and 4 are saying the opposite. How can we have both? John responded it is for internal burning Air pollution controls are in place per DEP.

9- A chain-link or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening, and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings. John stated our current ordinance has no reference for fence heights at all for commercial.

15- Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m. Scott asked what Act 101 was. Municipal Waste Planning, Recycling, and Waste Reduction Act. Need to add PA- PA Act 101.

TT. Stable, Commercial. (Includes riding academies; See also "keeping of pets" in § ____). More information needed

2- Any horse barn, manure storage areas, or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling. Scott asked if this is as clear as it should be? Add "existing" to adjacent dwelling.

3- Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway. Pamela asked if this will be addressed in our MS4 ordinance? Change Creek to waterway. Remove perennial from "perennial waterway"

UU. Timber Harvesting.

3-d-6 An application shall be submitted to the Township, with a map showing waterways, drainageways, approximate wetlands, lakes, roads, lot lines, and proposed harvest areas. Scott asked is this for the entire lot? John responded he would think it is. This is an entirely new section.

4-Timber Harvesting Practices. John stated we need to know what districts this will be allowed in. We do

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not have that yet.

VV. Townhouse and Multifamily (Apartments) Dwellings.

2-The maximum number of apartments that may be within a building shall be twelve (12), except no maximum shall apply in a building in which all units are permanently Age-Restricted to at least one resident aged fifty-five (55) and older or persons with physical disabilities. Pamela asked why 12? John replied he is not sure.

5- Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non coordinated types at the curbside are specifically discouraged. Change “should be” to “shall be”. Remove last sentence completely.

7-a- If a development includes over 30 dwelling units that will not be restricted to at least one resident age 55 and older, then the common open space shall at a minimum include a rectangular grass field fifty (50) feet by one hundred fifty (150) feet that is suitable for free play by young persons. If all dwellings in a development will be restricted to at least one resident age fifty five (55) and older, then the common open space shall at a minimum include landscaped trails that are ADA accessible. Pamela asked how long is the trail? Could be two feet long. There should be a specific number. Maybe reiterate the 20 %? Scott stated it is referring to the 20%

7-b- A recreation building or pool available to all residents of the development may count towards the open space requirement. Areas with a width of less than fifty (50) feet shall not count towards this requirement. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance. Robert stated this is making it restrictive to just those residents, not all residents. This would allow them to not pay anything? Brief discussion. Last sentence to be removed.

WW.- Treatment Center.

2- Scott asked if we currently have permits? John replied yes.

3- The applicant shall prove to the satisfaction of the Board of Supervisors that the use will involve adequate on-site supervision and security measures to protect public safety. Scott stated he is not sure why this is in here. #3 references the Board, #4 references the Zoning Hearing Board. Why both? John replied it is going to come down to what district this will fall into.

~~XX-~~ Animal Hospital, Large. What makes this large? Scott questioned 2 and 3. John replied this section will be cleaned up.

§ 27-403. Additional Requirements for Accessory Uses.

- 2 Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Part for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs. John stated he has an issue with this. Brief discussion ensued. Last sentence will be removed
- 4 Special Standards. Each accessory use shall comply with all of the following standards listed for that use:

A Agriculture Supportive Industry/Service.

- 1 Agriculture Supportive Industry/Services are only permitted in the TD1 Field and Wood district and shall be accessory to an Agriculture Operation. John stated should this be changed from “permitted” to “allowed”

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- 2 An Agriculture Supportive Industry/Service may include the following activities:
Tree Farms; Bed and Breakfasts; Pumpkin Patches; Corn Mazes; Petting and Feeding Zoos; Hayrides; Orchards; Gardens; and/or Any similar activity, provided the Applicant can provide evidence to the Zoning Hearing Board that the related impacts are equal to or less than any activities listed above.

Brian Sayago stated this is a totally different type of use-b- Bed and Breakfast. Pamela stated her issue is traffic. If they have an event, they may need to supply traffic control. These are temporary events; our Fire Police and Police should not have to do it. For 1, 3, and 4- John stated if this is permitted in TD1, how did we jump to the Zoning Hearing Board? How can it be permitted the require a review by ZHB? What creates the jump? Needs to be permitted by special exception then it all works.

- 3 Applicants must identify in a sketch plan the location of the proposed activities, all farm-related buildings in support of the Agriculture Operation, all dwellings, existing and proposed driveways, access drives, parking areas, vehicle turnaround areas, location of applicable sanitary facilities (if required) and buffering and landscaping in accordance with § ____.
- 4 A driveway occupancy permit must be approved by the township for access to township roads and must be reviewed by the Zoning Hearing Board for access to state roads.

6- All prepared food available for sale must be prepared in accordance with applicable federal, state, or local regulations. Produce grown on the farm is permitted. It was asked if something is missing in this section. Brief discussion ensued. All of 6 will be removed. Brian Sayago stated it may need to be included so we can enforce it. Robert replied you need to have qualified departments to do enforcement.

D Day Care, Child, as Accessory to a Dwelling.

- 5 If four or more children are cared for who are not related to the primary caregiver, then a minimum of 400 square feet of exterior play area shall be available, surrounded by a six-foot high secure fence. Remove "six- foot high". Just use secure fence

E Drive-Through Facilities. Scott asked if this is still accessory use? Jay replied like a drive through pharmacy. Scott replied it does not make sense.

F Electric Vehicle Charging Station.

- 1 All parking spaces dedicated to electric vehicle charging facilities shall comply with the standards within Part 6 – Off-Street Parking and Loading. John stated we need to make sure it complies.

G Farm-Related Business. This use may be approved on an lawful existing lot with a minimum lot area of 25 acres that include a principal agricultural use. Change "an lawful" to "a lawfully"

6 The business shall not generate noxious odors, noise, or glare beyond amounts that are typically generated by agricultural operations. Nonagricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9:00 p.m. and 7:00 a.m. Pamela asked about weddings. John stated that falls under agrotourism.

7 Any retail sales shall only be occasional in nature, and shall occur by appointment or during a maximum of 20 hours per week (except customary retail sales as part of a barber/beauty shop). This provision shall not restrict permitted sale of agricultural products. Remove barber and beauty shop.

9 e Barber/beauty shops. remove

g Music, hobby, trade, or art instruction for up to 10 persons at a time. remove

12 the applicant shall prove to the Zoning Officer that- remove "officer", should be Zoning Hearing Board.

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15 Landscaping shall be placed between any outdoor storage of nonagricultural materials or products and any adjacent dwelling from which storage would be visible. Too vague. Needs to have more direction.

H Fences and Walls.

3 b On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a minimum front yard. However, a fence that only extends behind the rear of a dwelling may have a maximum height of 6.5 feet along one of the streets, other than the street that is along the front of the dwelling. John stated they are working on requirements for commercial and business. Currently just residential

4 Walls. a Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all districts. However, if a retaining wall is over eight feet in height, it shall be set back a minimum of 15 feet from a lot line of an existing dwelling. John stated this will require review by engineer.

I Garage Sales. 5 No toxic or alcoholic beverages shall be offered for sale at a garage sale. Remove toxic and or.

J Home-Based Business, Low Impact.

8 A Low-Impact Home-Based Business shall be carried on completely within the dwelling unit, or a completely enclosed permitted accessory structure, such as a shed or detached garage. Scott questioned why? Angela replied per the MPC.

L Home Occupations.

1 e The use shall not require delivery by tractor-trailer trucks. Add routine- require routine delivery

m The Zoning Hearing Board shall deny a major home occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings. John stated this needs to be included

q A zoning permit shall be required for a major home occupation. Scott asked what the difference is between major and minor.

2 Repairs to and assembly of computers and computer peripherals. Spacing corrected

M Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use.

b correct district referenced.

N Pets, Keeping of.

4 Any keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors for neighbors. John stated there should absolutely be NO chickens, ducks, geese, pigeons, or similar on one acre or less.

6 See the definition of "Animal, Domesticated (Pets)" in § _____. To be updated
Brief discussion of exotic pets and the state required permits.

P Residential Accessory Structure or Use. (see definition in Part 2).

3 Height. See § ____, Subsection _____. To be updated

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4 through 8 to be removed, from another section.

Q Retail Sales of Agricultural Products as an Accessory Use.

9 The retail sales shall be located on land owned by the operator of the market or upon a tract of five acres or more which the operator of the market actively farms. Remove market, replace with farm stand

T Swimming Pool, Accessory. (Referred hereafter as "pool.") John stated they are looking into koi ponds, etc.

John stated these changes will go to Carolyn. Updates will be sent out once received.

OLD BUSINESS:

John Soloe stated that JVI plans are being submitted and will require signatures.

COURTESY OF THE FLOOR

None at this time.

ADJOURNMENT

Motion was made by Robert Williams, seconded by Jay Benfield to adjourn the meeting at 9:05 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

01/12/2023

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of July 27, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, July 27, 2023, in the Township Building.

ROLL CALL

The following members were present: Jay Benfield, Pamela Berlew, Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Clerk Angela Strohl, and Recording Secretary Deanne Werkheiser. Jim Campana was absent.

APPROVAL OF AGENDA

Motion was made by Robert Williams, seconded by Jay Benfield to approve the July 27, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Robert Williams, seconded by Jay Benfield to approve the July 13, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Zoning Ordinance update. Scott stated an updated version was received and distributed. John Soloe stated the first two pages are definition changes. We will review the updated version.

Amended definitions for Homebased Business and Home Occupation are ok.

Section A is 27-403 #3-A. Brief discussion ensued regarding farmers markets and related sections in parts of section 4.

Section FF- This is actually related to DD, not FF. John asked members to look at pages 8 and 15. Think about what happened during COVID-19. How does this work? M on page 8, Beverage Distribution- what about alcohol? Why wouldn't M and DD be combined? What kind of facility is this? Scott responded M is like a distillery, winery, etc. The issue is with what type of beverage- alcoholic or non-alcoholic.

Part 4 27-402 Additional requirements for specific principle uses - John stated everything in red is the changes made. There is a lot of bouncing around. Scott stated there should be a # 4 for uses. Angela replied principle and accessory uses are combined. Scott stated Adult Day Care is missing as well as several others. John replied that has been moved to Day Care. A brief discussion of numbering and lettering ensued.

27-402-3-A-4-John stated Bed and Breakfast was removed but K-2 adds it in. What do we want? Brief discussion ensued. Pamela stated it should be taken out completely. Only allowed as a primary use. Robert agreed. Bed and Breakfast now Primary Business. John stated there was a good spread of agricultural uses in now.

27-402-3-A-6- John stated this needs to be reviewed for accuracy.

27-402-3-B- Briefly reviewed the differences between large and small animal hospitals.

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27-402-3-I-2- remove #2.

27-402-3-K-1- Make sure correct districts are sited.

27-402-3-K-2 and 2a- remove per earlier discussion

27-402-3-M- John stated we need clarification on type of beverage, alcoholic or nonalcoholic? This needs to be more exact, give definitions.

27-402-3-T- John stated this needs to be reviewed. What district? The current NC district is all on Route 191. The new district is not just along Route 191. 1 a to be removed. 1 b the maximum square footage was discussed, newer types of stores and their footprints. This needs further review.

27-402-3-U-3- This needs further review.

27-402-3-U-9-b- John stated he is still waiting for an answer on if this is for single or double pumps. He is looking for clarification from Carolyne.

A brief discussion ensued regarding drive through body shops, etc.

27-402-3-Z- the information is missing for Adult Day Care. Needs to be added.

27-402-3-BB- the information is missing for Dormitory. Needs to be added.

27-402-3-DD- John questioned if this should be an accessory use? Is this a bank, Dunkin Donuts, etc. Scott replied this could be lots of things. Pamela stated a coffee shop, ATM machines that are free standing. A brief discussion ensued.

27-402-3-HH- fences and walls. John stated this entire section needs to be reviewed. 2- remove composed of native species- should read no fence, wall, hedges, or plantings shall. John asked if vegetation is a fence or wall when it is in the front yard and over 4 feet high- i.e., arborvitae. A brief discussion ensued over the height of fences in front yards. Brief discussion of the differences between residential and nonresidential ensued. Scott stated nonresidential is less restrictive. This section needs to be revised. Pamela questioned the distance of a fence off the property line. John gave examples of other municipalities. Easier if no setbacks from property lines. John stated Commercial and industrial district requirements are needed. Scott stated this entire section needs to be reviewed for accuracy.

27-402-3-QQ – Manufacturing, heavy- needs to be determined.

27-402-3-RR-5- Needs to be researched.

27-402-3-UU- 2 and 3- Needs to be reviewed.

27-402-3-YY-8- John started not just roosters, no chickens.

27-402-3-DDD-4- John questioned if this is the right place for this?

Single family detached dwelling dimensional criteria chart- John stated the dimensional criteria needs to be reviewed. The numbers are not correct. Pamela stated it does not add up. John stated instead of helping with current nonconforming lots this will create more. Brief discussion of setbacks, density, and lot sizes ensued. This is for single family homes on accessory lots. John is questioning where the numbers came from. Look at TD6, this would only allow building on two feet! Needs review.

John asked the members to review and get comments back to himself or Angela ASAP. New updates will be coming from Carolyne next week.

OLD BUSINESS:

John Soloe stated a subdivision has been submitted. It is on hold until all the requirements are met. Items are missing from submission.

COURTESY OF THE FLOOR

Robert stated that Van Buren Road will be closed between Corriere Roads starting August 8, 2023, for approximately a month to repair a damaged bridge.

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ADJOURNMENT

Motion was made by Jay Benfield, seconded by Scott Sylvainus to adjourn the meeting at 8:30 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

01/12/2023

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of August 10, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, August 10, 2023, in the Township Building.

ROLL CALL

The following members were present: Jay Benfield, Pamela Berlew, Jim Campana, Scott Sylvainus, Robert Williams, Assistant Zoning Officer Angela Strohl, Township Manager Lisa Klem, and Recording Secretary Deanne Werkheiser. Zoning Officer John Soloe was absent.

APPROVAL OF AGENDA

Motion was made by Pamela Berlew, seconded by Robert Williams to approve the August 10, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Robert Williams, seconded by Pamela Berlew to approve the July 27, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Zoning Ordinance update. Scott stated an updated version was received and distributed.

Angela Strohl stated that the beverage distribution/ production definitions can be added. Carolyn sent them separately for review. A brief discussion of amounts per type ensued. The definition needs to be updated to be specific to Upper Nazareth Township, remove all Borough references. Pamela stated the districts will need to be reviewed and changed to the correct districts. Scott questioned the lot size and building size for microbrewery. These should be reviewed to match our zoning. Scott questioned why there is a 50% limit on storage and production. This will be looked into. Section K- outdoor seating was discussed at length. K – will be change to K- Outdoor seating area per Township approval. L, M, and N to be removed completely. Angela stated she will have Carolyn incorporate this into the Zoning Ordinance.

Part 2- Definitions. Angela stated she reviewed the updates. Several items were not changed and need further review. Adult Entertainment Business and Adult Modeling Studio were briefly discussed. The members debated the need to include the definitions. Pamela stated better to have them in for reference. Robert stated certain definitions need to be included for Adult Use. Sexual encounter center to be removed from Adult Entertainment Business. Sexual gratification to be removed from Adult Modeling Studio. Below the waist to be removed from Massage Parlor.

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Angela stated Animal Hospital , small has been added to clear up any issues in this section. The large and small refer to the types of animals not the size of the building.

The definition for Bank was reviewed. A brief discussion ensued over United States regulated establishment. Will be changed to a government regulated chartered establishment.

Scott asked if Base Flood Elevation can be worded so that it is accurate to any changes made to the Flood Insurance Rate Map. They will be updating this shortly. Angela stated she will have Carolyn look into this.

Angela stated accessory was added to Drive Through Facilities. Farm Products and Farmers Market were added per our previous discussions.

Group Care Facility was discussed. Nothing was changed. It is still contradictory. Similar uses are under different sections. Group Care Facility will be removed. Group Home was discussed. Mental Retardation will be replaced with intellectually disabled. Have the Federal Fair Housing Act definitions been updated since 1992? This was questioned since it is referenced.

The less than 6,000 square feet should be removed from Home Improvement.

Definitions for Hotel / Motel still need to be added.

Junk Vehicle- numbers 6 through 10 still need to be removed per previous discussions.

Kennel is still only referencing dogs. A brief discussion ensued. Cats are to be added. Kennel / Cattery will be the title. Dogs and cats will be referenced. Correct spelling of breeding.

A brief discussion ensued over requested changes not being made by EPD. Changes will be made by us to the drafts and sent to EPD for any changes needed to cross references. The commission asked Lisa Klem to speak to Carolyn regarding this.

Part 4- Additional Requirements for Specific Uses

27-402-4-D-2- Bed and Breakfast still needs to be removed.

27-402-8-A-Angela will review with John – Determine if C or SE assignment. Several more need to be reviewed as well.

27-402-16-Beverage Distribution- discussed earlier.

27-402-23-T- Route 191 has been removed from Convenience Store.

27-402-36- Fences and walls- Angela stated this needs to be broken down between residential and non-residential.

27-402-43- Kennel- Add Cattery and cat specific items.

27-402-49 – Mobile home Park. Angela stated this can be changed to five (5) units per acre. Greenbriar Village was used as an example for this. A brief discussion ensued over sewer, drain fields, septic systems, and other lot size references. This will be changed to five units per acre.

Angela stated the changes will be made and sent out to the members and EPD. This should be the last time going through these. The changes will be worked on and sent out tomorrow or Monday.

OLD BUSINESS:

Nothing at this time.

COURTESY OF THE FLOOR

Nothing at this time. Pamela stated she will not be able to attend the September 14, 2023, meeting.

ADJOURNMENT

01/12/2023

Motion was made by Pamela Berlew, seconded by Jim Campana to adjourn the meeting at 8:35 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

01/12/2023

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of September 14, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, September 14, 2023, in the Township Building.

ROLL CALL

The following members were present: Jay Benfield, James Campana, Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Assistant Zoning Officer Angela Strohl, Township Engineer Sean Dooley, and Recording Secretary Deanne Werkheiser. Pamela Berlew was absent.

APPROVAL OF AGENDA

Motion was made by Robert Williams, seconded by James Campana to approve the September 14, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Robert Williams, seconded by James Campana to approve the August 10, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

The Keller family joint living trust two (2) lot subdivision and lot line adjustment. Jonathan Shupp, surveyor for the applicant, attempted to hand out revised plans to members. John Soloe stated we cannot accept them. We must use what was submitted. Jonathan stated multiple lots are being adjusted. Lot 1 and Lot 2 both have agricultural easements. They will be combined into one lot- Lot 1A. Taking a piece of Lot 1B and adding to Lot 2A. This will create three new large lots that are over ten acres. Sean Dooley did a review. We are here to address those comments. We are looking for a non-building waiver so that no sewer or water is needed. If the lots are bought in the future, those would be addressed at that time. Attorney Al Pierce stated that is the biggest item that needs to be addressed so we can move forward. Sean Dooley stated that what is on the plan is pretty simple and straight forward. The non-building issue needs to be addressed. SALDO is used for building. No building is being requested. The intent is agriculture, all lots are over ten acres. Gary Asteak is against the waiver. Sean asked for their attorney's opinion on the non-building request. Al Pierce responded that the largest portion is preserved. The other three parcels are over ten acres. One already has a house on it. It is a waste of time to show driveways, etc. when no building is being proposed. He is not foreseeing a precedent being set by this. Sean Dooley stated he gave his opinion in his letter. The risks are relatively low. A single home on a lot over ten acres is not a concern in his perspective. The plan needs to make it explicitly clear that no building was included. Any building plans moving forward needs to come in as a

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building plan and go through SALDO and zoning requirements. Testing for ability will be done then. Mr. Keller does not seem to be hiding anything. His intentions, testing, driveway permit, etc. would need to be done when someone wants to build.

John Soloe stated due to the size of the lots it would be good for agriculture. We need Gary's comments and feedback before moving forward.

Jonathan stated the wording used for the non-building declaration is from DEP. Any building would require testing by the person building. Robert Williams asked why they wouldn't just do the testing now? Jonathan replied because we have no idea where someone would build or put their driveway. Robert replied the easy way isn't always the right way.

John Soloe stated a large section of Lot 2A is in the flood plain, which would change where building, access, perk would be allowed. Septic/ perk testing would show where building would take place. Want Gary's opinion on this. He was unable to make it due to being at a different meeting.

Al Peirce asked if the application would be accepted. That is what we need an answer to. Then we can move forward. Scott asked if a large portion was in preservation. Jonathan replied yes. Al Pierce stated that the land has been in the family since 1806. Not much has changed since then. John questioned whether the preserved land will be a single lot. Jonathan replied that yes, the two lots will be merged to make one lot.

John stated that Lot 2A is in a flood plain. Al replied your ordinance states that the Flood Insurance Rate Map defines the flood plain. Sean responded yes, that is what was used and referenced in his letter.

Al Peirce stated they are looking for recommendation to accept applicants non-building proposal tonight. Residents in the audience asked to look at the submitted plan. Scott allowed the audience to review the submitted plan.

Jonathan reviewed the lots, what is being preserved, and how it will be divided. Sean asked how many deeds will there be? Jonathan replied four. Currently there are three parcels on one tax deed. John Soloe recommended tabling until legal review and suggests that the applicant grant an extension. Robert Williams and Jay Benfield agreed.

Al Peirce stated they are requesting extension to the end of February 2024. They are intending to be back before the Commission on October 12, 2023.

Motion was made by Jay Benfield, seconded by James Campana to accept extension request. Motion approved unanimously.

Jonathan stated he would send a letter for the extension.

John explained the reasoning for long extensions. Scott explained procedures, timing per the MPC, approval procedure, etc.

Scott stated the deadline for submissions for October is September 21, 2023.

OLD BUSINESS:

John Soloe stated that he and Angela had a two-and-a-half-hour conference call with Carolyn. They went through a lot of the draft document. We will have new documents for the next meeting. Angela is requesting the members input on the six questions. She wants to submit them to Carolyn. Deanne stated she will not be at the next meeting.

COURTESY OF THE FLOOR

Nothing at this time.

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ADJOURNMENT

Motion was made by Jay Benfield, seconded by Robert Williams to adjourn the meeting at 7:40 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

01/12/2023

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of September 28, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, September 28, 2023, in the Township Building.

ROLL CALL

The following members were present: Jim Campana, Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, and Assistant Zoning Officer Angela Strohl. Pamela Berlew, Jay Benfield, and Recording Secretary Deanne Werkheiser were absent.

APPROVAL OF AGENDA

Motion was made by Robert Williams, seconded by Jim Campana to approve the September 28, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Robert Williams, seconded by Jim Campana to approve the September 14, 2023, meeting minutes. Motion approved unanimously. It was noted by Scott that Attorney Gary Asteak was misrepresented at the last meeting regarding his opinion about the Keller Subdivision, he was not against the waiver. Gary can correct this statement at the next meeting.

NEW BUSINESS

Zoning Ordinance update. Scott stated an updated version was received and distributed.

Part 7- John Soloe stated that the sign definitions have been moved from Part 2 to Part 7.

27-704-3-A-1. Scott stated the 30 days per calendar year seems low. John stated this can be changed if we want it to be. There is a difference between signs and banners. Most banners now are standing flags that do not last long due to the elements. We are more concerned about where the sign is located than about the time limit. Scott asked if the banners are in disrepair, can we have them be replaced. John stated that will be coming up. Scott asked do we limit the number of banners more than the measurement? Is it cumulative or per banner? Only 32 square feet per banner is not a lot. Do we limit by size of business? Will check with Carolyn, banners are difficult to control.

27-704-3-B-1. Change 60 days to 120 days in Non-Residential Districts.

27-704-4C-1 Window Signs. Scott stated 30% seems to be too small. John used a gas station as an example, most gas stations have most of their windows covered by signs for cigarettes, vapes, chew etc. One would think that for safety reasons, business owners would want more visibility through the windows. Should we change to 30% of the frontage of the building instead of the window? John will look into that.

27-705-1-D- Scott asked what is Not Readable Sign. John stated that you have to go back to the definition for that. Angela suggested a sign on a door stating they will be closed for business that you cannot

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read from the street but have to walk up to the door to read. Robert mentioned Marshalls as an example. Can be read from side street, but not main street. Brief discussion ensued about what a Not Readable Sign is.

Brief discussion ensued about whether to add Political Signs to this section, and how to regulate them.

Adding H. Political Election Sign.

27-707. John stated there is a clear distinction between a business being closed and abandoning the sign and someone leaving a sign on property. Limit is 180 days. Cut in half to be 90 days.

27-709. Needs more clarity. Brief discussion regarding how a vehicle is to be determined to be a sign, or just a company vehicle with the name of the company on it. Will flag and discuss with Carolyn.

27-710-E. Separate first sentence to be its own bullet point. Technology has changed since last ordinance. Blinking, flashing, twinkling signs are more popular than ever and not as disruptive as they used to be. Robert mentioned signs on Route 33, they have sensors and are adjusted during the day for brightness. Rest of this part will go into its own bullet point.

27-710-A. Brief discussion ensued over why billboards are not allowed. John will pull current ordinance and review for billboards, they may have been Special Exception, or Variance request.

27-710-G. Scott questioned the meaning of this. Some discussion regarding meaning, maybe change the word 'Chapter' to be clearer.

27-710-K. Floodlights needs to be changed, John stated they may mean searchlights, will discuss with Carolyn.

27-711 Take out last sentence.

27-713. Need table X.

Part 9- John stated that this is all new, we did not have this in old ordinance. We aren't sure where this section came from. Need to decide if it actually belongs in zoning, or if we should do as a stand-alone ordinance, or if we can take it out completely. Please read through this before the next meeting so we can decide what to do with it.

Part 8- Brief discussion about minimum size of dwellings. Change to 800 square feet.

27-801-1-B John stated we get issues with this a lot, one principal use and one principal building for residential. This will affect how we approach accessory apartments when we get to that section.

27-801-2-A. Scott stated this is confusing, shouldn't it be 3 total acres? John will look into it.

27-803-1-C-2 John stated issue with this will be what type of use: permitted, Special Exception, Conditional Use will be allowed on current EX-1 lands being moved to TD1. Just because there is corn planted on land doesn't make it agricultural land. Uses will have to be reviewed one at a time. Scott asked about the grid we currently have, if it will be used in new ordinance. John stated yes, but we aren't there yet.

27-803-2-B-1-C John stated this could cause an issue. We have already had issues with rain leads or down spouts being pointed directly at neighbors' homes instead of into swale or street. Should state down spouts or rain leads shall be diverted to largest possible absorption area or into the street. Brief discussion ensued about how to enforce this and help restrict flooding.

27-803-2-B-1-H Scott asked if 'Chaise' is spelled correctly, we will check on it.

27-803-2-C Remove sentence: 'Space under an enclosed porch may be used for household storage.'

27-803-2-D. Brief discussion about 60% building setback reduction around cul-de-sacs. John stated this may have been overlooked, and we will look into whether this is still correct or not.

27-803-4. Brief discussion about maintaining buffer yard after 3-year growth. Should we somehow put it in perpetuity? Who is to be held responsible to restore planting screen after it grows out and can be seen through. How long should it be maintained for. Flagged for further review.

John asked the members to please read sections 8 and 9 between now and next meeting. Also, section 6 will be looked at, there is no descriptor for parking spaces per square footage, only based on employees. Should be minimum of square footage before going to number of employees.

OLD BUSINESS:

Nothing at this time.

COURTESY OF THE FLOOR

Brian Sayago stated that he really enjoys coming to these meetings and hearing the debates going on. Would like to be considered if there is a vacancy.

ADJOURNMENT

Motion was made by Robert Williams, seconded by Jim Campana to adjourn the meeting at 8:50 PM. Motion approved unanimously.

Respectfully submitted,

Angela Strohl, Assistant Zoning Officer

01/12/2023

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of October 12, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, October 12, 2023, in the Township Building.

ROLL CALL

The following members were present: Jay Benfield, Pamela Berlew, Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Assistant Zoning Officer Angela Strohl, Township Engineer Sean Dooley, Alternate Township Engineer Justin Coyle, Solicitor Steve Mills, and Recording Secretary Deanne Werkheiser. James Campana was absent.

APPROVAL OF AGENDA

Motion was made by Robert Williams, seconded by Jay Benfield to approve the October 12, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Robert Williams, seconded by Scott Sylvainus to approve the September 28, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Proposed Zoning Map Amendment.

Mark Caplan, Chrin Company representative, stated the petition was submitted in conjunction with LVIP. Kerry Wrobel, President, stated LVIP is a non-profit that has been developing in the area for 64 years. There are currently seven completed parks. Park 6 is similar to what we are proposing for this site. Seven parcels off of Tatamy Road. Each parcel would be approximately four acres in size. We focus on smaller businesses. No questions from the Planning Commission members.

Zoning Officer John Soloe stated that the way the Municipal boundary lines are set up it made it difficult for both municipalities to develop. This would solve that issue.

Sean Dooley had no questions. Steve Mills had no questions. Scott Sylvainus stated that Gary Asteak sent the information regarding the proposed changes to the Zoning Ordinance. Steve stated the LVPC will review this at their next meeting.

A motion was made by Scott Sylvainus, seconded by Jay Benfield to recommend approval of the Zoning Map changes. Motion approved unanimously.

The Keller family joint living trust two (2) lot subdivision and lot line adjustment.

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Jonathan Shupp, surveyor for the applicant, stated they were seeking a non-building waiver for the three largest lots. If there would be development in the future, they would have to come back for approval at that time. John Soloe stated a waiver needs to be a written submission that goes before the Board of Supervisors. Jonathan responded it is a DEP form that needs to be signed. Steve Mills replied we have no problem with the non-building since soil testing will be done with future development. Sean Dooley stated that due to the large lot size he has no problem with the non-building. Al Pierce stated they are seeking recommendation for approval of the non-building declaration proposal.

Motion was made by Pamela Berlew, seconded by Robert Williams to recommend accepting the non-building declaration proposal. Motion approved unanimously.

Penn Dixie Commercial Park – 3102 Bath Pike.

Andrew Bennett stated he is the engineer for the project. Lew Ronca is the developer. Andrew stated the project is approximately 100 acres along Route 248 and Penn Allen Roads. It is in an I-2 district which allows industrial and commercial uses. He explained where the property is located and what is currently on the property- storage, apartments, a contractor, landscaping business, concrete business, seasonal cottages, and a non-functioning quarry- a hodge podge of uses. The intent is to organize and develop into six lots that would be organized, secure, and have proper lighting while cleaning up the entire property. Lots 1 through 3 will have updated lighting, roadways, and will be on public water and sewer. Lots 4 through 6 will stay on well and septic systems. We will be expanding the turn lane on 248 for left turns. A berm will be installed on the eastern side near the residential area. The tree lines will stay where possible. Landscaping will be done. Andrew stated the project would increase the tax base. He stated he would like to have a review meeting with the engineer and zoning officer to review the plan for clarification of what will be needed for redevelopment.

Zoning Officer John Soloe stated he will wait to comment until after the review meeting. Steve Mills stated is permitted uses. Alternate Engineer Justin Coyle stated he would go through his review letter from October 10, 2023. They will be creating six (6) separate lots. They are submitting subdivision and land development all at once. There are multiple uses on the property currently. He reviewed the proposed lots. Lot 1, 43.5 acres, a 624,000 square foot warehouse building; Lot 2, 5 acres, concrete ready-mix plant; Lot 3, 5.9 acres, self-storage facility; Lot 4, 1.34 acres, existing apartment complex; Lot 5, 35.5 acres, existing water filled quarry that will remain undeveloped at this time; Lot 6, 4.4 acres, two proposed principle buildings. Justin handed out color coded maps to show each lot clearly. Justin stated the concrete plant requires special exception. Apartments are not a permitted use in this district. He reviewed items that are required such as noise impact, access for Fire Department, notes, landscaping details, etc. SALDO requirements that need to be met were reviewed. Nazareth Sewer Authority approval is needed. He reviewed outside agency submissions required for this level of development. Additional traffic information is needed. The development may require a traffic signal. The 10 pages of Stormwater specific items will be reviewed with the engineer. Karst geology requirements need to be reviewed and met. SALDO requires all lots to have direct access to roadways. Will need to work with Penn DOT. May need a Cul-de-sac. Private access not allowed per Ordinance. Utility letters are needed. Architectural renderings are needed. Traffic assessment needed. A comprehensive review was done. We laid out the framework so that we can go through at the review meeting.

Scott Sylvainus asked for questions from residents.

Resident Jared McFee, Bath Pike, asked if they will be doing soil testing before building? It may require abatement. Andrew replied yes, that will be done. Jared responded noise abatement will be needed. Resident Able Ferreira, Bath Pike, asked what benefit is this to the residents? Andrew responded better roadways and lighting. Able replied this will increase traffic and noise for the residents, especially the cement plant. Resident Keith Berlew, Bath Pike, stated there is already noise from the concrete plant, if it moves closer to the roadway

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it will create more noise. Should look at where the cement plant is. Resident Joe Vargo, Bath Pike, stated there is a noise issue all the time now.

Robert Williams asked regarding the warehouse, do they know who it will be. Will it be a 24/7 operation? Andrew replied no, they do not. Robert asked about spaces for parking, he reviewed the amount of parking spots. You may need a traffic light. Andrew replied it is not necessary with the traffic study done. Robert stated the size is 624,000 square feet with only 2 retention ponds throughout the entire property. Shouldn't there be access points for each lot? Andrew replied that Penn DOT does not want multiple access points. Robert Williams responded he is concerned with the safety of the residents. We need to know what is going into the location, there is a big difference if the business is 24/7 versus a 9 to 5 business. Penn DOT and SALDO regulations need to be followed. Andrew replied that he assumed Robert wanted a traffic light. A traffic light may be the safest for everyone.

Pamela Berlew stated she agreed with Robert. On the Official Map, we have two proposed trails that come to this property. They should be accommodated to allow access to Tuskes Park. The noise issue is valid. There is a lot going into these lots. Pamela stated she will be requesting green roofs for the businesses.

Scott Sylvainus stated a working meeting is needed and will be good for clarification. A map of the trails will be given to the developer. Scott asked if the traffic study was done for 24/7? Andrew responded it was done for peak hours based on the square footage of the building and possible uses; two hours peak AM and two hours peak PM. Pamela asked if they were taking into consideration all the businesses that will be there. Lew Ronca replied the only additional use is the warehouse, the rest are existing, that is all that is increasing. Robert replied we really do not know what it is because we do not know the use. A 24/7 operation is three times busier than a 9 to 5 operation. Scott stated he is concerned with the noise. Pamela stated that she hopes that special exception criteria is used.

Steve Mills stated the relocation of the cement plant may be an issue.

Scott Sylvainus told the developer they may need to submit a letter of extension.

Resident Keith Berlew asked if they were taking down the existing concrete plant? And if so what are they doing with it? Lew Ronca replied it will be crushed and reused. Brief discussion ensued.

OLD BUSINESS:

Nothing at this time.

COURTESY OF THE FLOOR

George Polak distributed paperwork of personal nature to the members.

Scott stated the deadline for submissions for November is October 19, 2023.

ADJOURNMENT

Motion was made by Jay Benfield, seconded by Robert Williams to adjourn the meeting at 8:05 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

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**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of October 26, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, October 26, 2023, in the Township Building.

ROLL CALL

The following members were present: Jay Benfield, Pamela Berlew, Jim Campana, Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Assistant Zoning Officer Angela Strohl, and Recording Secretary Deanne Werkheiser.

APPROVAL OF AGENDA

Motion was made by Robert Williams, seconded by Pamela Berlew to approve the October 26, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Robert Williams, seconded by Jay Benfield to approve the October 12, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Zoning Ordinance review Section 3. Scott stated an updated version was received and distributed.

John Soloe stated that everyone had copies of the Map, section 27-301, and Table #1- Land Uses. We will start with the review of Land Uses.

John reviewed the districts, TD1/ AC; TD2/ R2; TD4/ R3; TD5/ R4 and R5; TD6/ NC; TD9/ I1; TD10/ I2; TD11/ EX1. P is permitted use, SE is special exception which is a permitted use, but restriction can be added, and C is conditional use which goes before the Board of Supervisors for approval. A variance goes before the Zoning Hearing Board. We will start with **Residential-**

Age-Restricted Residential Development- John stated he thinks it should be allowed in TD1. Pamela stated she does not want to see anything in TD1. She feels the two acre per unit does not fit this type of development. Robert agreed. John stated he wants discussion as we review the table. This table was set up with the responses given from the original surveys from EPD. We can leave them as is or change as we see fit. We will come back to Age- Restricted Residential Development and Any Residential Land Use Not Assigned Otherwise.

Apartment, Conversion- Brief discussion of Industrial Drive, only TD9 district. Add C to TD9 Bed and Breakfast- approved as is.

Duplex- John stated duplexes are not allowed in the Township. We allow only one residential building per lot. This will be removed.

Brief discussion of TD6 district and what is currently in those areas.

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Dwelling, Multifamily (Apartments)- add C to TD9

Dwelling, Single-Family Attached- John stated these are twin homes which are restricted by lot width, allowed per district requirements. Approved as is.

Jay Benfield asked if this is only for new development? John replied yes. Brief discussion of single, twin, and townhomes.

Dwelling, Single-Family Detached- Brief discussion of C in TD1. John stated he feels this could be contested since this is the only space available to build a new home. Pamela stated she is against changing it from C. They can go for conditional use. Robert stated he understands about open space and growth, he would like to know John's issue with it. John stated we are restricting what a landowner can do. It is ignorant to say we want no growth. The quarry and the County own most of the open space land, there is not much left. We have Eagle's Landing because of a lawsuit. Do we want another? Robert responded that he could see John is looking at this realistically not emotionally. Robert suggested changing lot size to five acres instead of two acres in TD1. Approved as is.

Dwelling, Townhouse- approved as is.

Group Care Facility- This will be removed, taken out previously.

Group Home- Pamela asked if we have to allow this in all districts. Robert stated this should be as restrictive as single-family homes. Change TD1 and TD2 to C.

Mobile home Park- we currently only have one park in AC- TD1. Approved as is.

Personal Care Boarding Home- Scott stated this is assisted living. Pamela asked why TD10 is included. Approved as is.

Non-Residential-

Agriculture Operation- approved as is.

Animal Feed Mill- Robert asked why it is allowed in TD9, TD10, and TD11? John replied because they are nonresidential districts. Brief discussion ensued. Approved as is.

Animal Hospital, Large- add TD10 P.

Animal Hospital, Small- Scott stated should be the same. Make TD5 SE and add TD10 P.

Auto, Boat, or Mobile home Sales- remove SE from TD 5.

Auto Service/Repair Station- approved as is.

Auto/Truck/Body Collision Center- add TD5 C and TD6 C.

Bakery- add TD9 P and TD10 P.

Betting Use- John suggested this should be C not SE. changed to TD6 C.

Beverage Distribution- add TD9 SE.

Bus Station or Taxi Terminal- approved as is.

Campground- approved as is.

Car Wash- change TD9 to SE.

Childcare Center- brief discussion of how many children initiates the change from babysitter to child care. Approved as is.

Commercial Communications Tower- Robert stated that the proper type of tower could be allowed in TD1. John replied that the types of towers and the size of units has changed drastically over the years. John suggested C in all districts. Scott responded not in TD4 and TD5. Changed to C in TD1, TD2, TD6, TD9, TD10, and TD11.

Commercial Crop Storage- remove SE from TD5 and TD9.

Commercial Indoor Recreation- add TD9 P and TD10 P.

Commercial Outdoor Recreation- add TD1 C and TD10 C.

Commercial Stable- approved as is.

Concentrated Animal Feeding Operation (CAFO)- approved as is.

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Concentrated Animal Operation (CAO)- approved as is.
Conservation- Why is this even listed? Remove.
Contractor Office/Yard- remove TD5 C.
Convenience Store- John stated this should match Convenience store with fuel. Remove TD5 C, add TD9 P, TD10 P, and TD11 P.
Convenience Store with Fuel/Energy Recharge- approved as is.
Craftsman/Artisan Studio- add TD6 P.
Crop Farming- Remove.
Cultural/Community Center- add TD9 C.
Day Care Center, Adult- remove TD5 SE
Dormitory- approved as is.
Drive-in Theater- approved as is.
Emergency Services- this needs more review, should be allowed in all?
Engineering/Testing Facility or Laboratory- add TD9 C and TD10 P.
Essential Services- is this storage or infrastructure? Needs more review. A brief discussion of utilities ensued.
Forestry- remove TD2 P, TD4 P, TD5 P, TD6 P, TD9 P.
Grocery Store- add TD10 P and TD11 P.
Home Improvement/Building Supply, Small Scale- add TD9 P, TD10 P, and TD11 P.
Junkyard- approved as is.
Kennel- add TD9 P, TD10 P, and TD11 P.

John stated we will stop here. Review the rest for the next meeting.

OLD BUSINESS:

Nothing at this time.

COURTESY OF THE FLOOR

Nothing at this time.

Scott stated the next regular meeting is November 9, 2023. No ordinance review meeting in November due to Thanksgiving. John stated we do not want to lose momentum on this. We can meet on November 30th at 6:00 PM and December 28th at 6:00 PM. Scott stated this will need to be advertised.

ADJOURNMENT

Motion was made by Pamela Berlew, seconded by Robert Williams to adjourn the meeting at 9:00 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser
Recording Secretary

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**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of November 9, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, November 9, 2023, in the Township Building.

ROLL CALL

The following members were present: Jay Benfield, Pamela Berlew, James Campana, Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Assistant Zoning Officer Angela Strohl, Township Engineer Sean Dooley, Solicitor Steve Mills, and Recording Secretary Deanne Werkheiser.

APPROVAL OF AGENDA

Motion was made by Robert Williams, seconded by James Campana to approve the November 9, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Robert Williams, seconded by James Campana to approve the October 26, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Penn Dixie Commercial Park, 3102 Bath Pike, extension letter.

A motion was made by Jay Benfield, seconded by Pamela Berlew to recommend the acceptance of the Penn Dixie Commercial Park extension letter. Motion approved unanimously.

Scott Sylvainus stated the order to be followed as the submissions are heard. We will hear from the applicant, then the Engineer, the Solicitor, the Zoning Officer, the public, finishing with the Planning Commission.

Moravian Hall Square, Heritage Village phases 5 & 6 update.

Chris Brown introduced himself and David Swartly, the new CEO. Sue Drabic has retired. Chris stated that phase 5 is complete. Phase 6 has a recorded plan. This was amended and approved after acquiring land on Beil Avenue. Three minor changes have been made; they are minor improvements. The northwest corner of Freedom Circle was squared off in approved plan. It was changed to a curve which is better suited. A retaining wall was being put on at Mr. and Mrs. Talpas's property. We are now softening the corner, adding an easement, and giving them a utility promise. The driveway from the Miranda property is being removed. There will be only

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emergency access per the plan. Chris asked if the changes need to go before the Board for approval. Sean Dooley replied that the modifications are better for traffic flow and the grading is better. He has zero objections. Only question is if final approval is needed. If it is an amended plan it will need the Boards signatures. Steve Mills replied if the amended plan needs to be recorded it will need to go before the Board. A brief discussion ensued over the conditional use hearing, previous approvals, numbering system, and phasing of the project.

A motion was made by Pamela Berlew, seconded by Jay Benfield to recommend the acceptance of the second amended plan for Heritage Village Phase 5 & 6. Motion approved unanimously.

The Keller family joint living trust two (2) lot subdivision and lot line adjustment.

Al Pierce stated that the applicant agrees to the permanent access agreement through Lot 1B to access Lot 3. Will be getting DEP's approval. They are not sure why sidewalks are required since they won't go anywhere. Sean Dooley stated that the lands include a large parcel of preserved farmland. The access easement goes through the existing farmstead. Not sure where it will need to be. Al and Gary can work on the wording. They are willing to do this and suggests they work together on it. The non- building declaration proposal was approved by the Board. Per the review letter, the ordinance requires sidewalks along Newburg Road. They are requesting a waiver. The area fronting lots 1B and 2A correspond with the planned path. He suggests an easement. They have submitted 13 waiver, deferral requests. Steve Mills stated they have no issues, will work with them on the wording for the access easement. John Soloe stated that we were given a letter with 13 waiver requests that was not signed or dated. We date stamp all incoming correspondence. Al Pierce stated he will have that corrected. Robert Williams asked about the easement for the path. Al responded we do not think it is inappropriate but not sure where anything will be in the future. We can work on the wording for that as well. Brief discussion of sidewalks and paths ensued. Sean stated we can keep the sidewalk requirement and defer or ask for a trail easement in lieu of sidewalks. The easement would show on the plan. Robert liked that idea. Utility easements. Al stated no utilities are being planned because we have no way to know what will be done on the lots. Sean suggested ten-foot easements along roadway. Can be shared with the trail and along Newburg Road lot 3. Al asked to review the waivers except for #4. Sean suggested they do another extension until March of 2024. The waiver requests, outside of #4, can be reviewed without incident. Al responded the waivers requests are all per Sean's recommendations. Scott stated he does not have an issue with them. Members agreed. Al Pierce stated he will get the letter signed and dated and send the extension letter. He asked if there was a consensus on the 12 waivers. Scott responded yes.

Yeska minor subdivision.

Plans have been submitted to subdivide two acres from preserved farmland. Sean Dooley stated this is the existing home on the preserved farmland. They would remove it from the preserved land, with easement for the existing home. There are many of the same issues as with the Keller subdivision. Nonconforming use, which they can do nothing about. They will be doing the same non-building declaration approach. Will have similar waiver requests. Will they need to get approval from the Board for the non-building request? They will not be building in the future because there is already a home on the lot. John Soloe stated we need documentation from Northampton County, like was done in the past, that gives permission for him to subdivide. He suggests that we have this prior to moving forward. John showed previous subdivision plan. Sean asked if it was Mr. Yeska's intent to keep all the parcels on the same deed? Mr. Yeska responded yes. Sean questioned designation should be used for the home since non-conforming use, required right of way for

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Blossom Hill Road, same question with sidewalks, right of way, and trail easements. Scott replied he likes how it was done with Keller subdivision. Sean stated the right of way needs to be determined and we can go from there. The Applicant need to initiate getting the requested information from the County. Robert stated we should stay consistent with what we did for Keller. The easement would enhance the open space and preserved land. Pamela questioned if an extension letter is needed. John stated he will reach out to Gary and Mr. Yeska about what is needed.

Endeavor Enterprises Land Development. 373 East Lawn Road.

John Soloe stated that Mr. Pooler received the Zoning Hearing Board approval for changes. They required him to submit the plan to the Planning Commission. The plan is from 2010. It has been more than five years since it was approved. Per the MPC the Planning Commission will need to review the plan. They could use the old plan with modification. Sean stated they have minor changes that we requested. A 5-foot shift to allow for sidewalks. Hoch Street has been changed to one way and different ingress and egress which takes care of traffic control. Scott asked if there was access from East Lawn. Sean replied there is no access from East Lawn. He is ok with the traffic control. Crosswalks at the intersection was suggested since they would be used daily. Steve Mills stated he has no comments. John suggested the prior plan be rejected or ask for an extension and amended plan. He recommends rejecting the submitted plan and having a new one submitted. Because of the timeline the plan is not a valid plan anymore. It is in their best interest to start again. The members agreed with John. Brief discussion ensued regarding sidewalks along East lawn Road. Adam Pooler stated this is the first time he is seeing and heard all of this. We need some time to look at what is being requested. Robert stated we need a community with walkability especially in this area with the school and other businesses nearby. Adam replied his concern is with the drainage swale. Sean replied it will be your biggest issue. Was part of the Route 191 widening and traffic signal installation. They may need waivers from ADA where sidewalk hits Hoch Street. Brief discussion ensued of sidewalk options and paving.

Motion was made by Jay Benfield, seconded by James Campana to recommend denial of previously submitted plan. Motion approved unanimously.

OLD BUSINESS:

Nothing at this time.

COURTESY OF THE FLOOR

Meeting dates, times, and deadlines were reviewed.

ADJOURNMENT

Motion was made by Pamela Berlew, seconded by Jay Benfield to adjourn the meeting at 8:45 PM. Motion approved unanimously.

Respectfully submitted,
Deanne Werkheiser, Recording Secretary

01/12/2023

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of November 30, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 6:15 p.m. on Thursday, November 30, 2023, in the Township Building.

ROLL CALL

The following members were present: Jay Benfield (arrived late), Pamela Berlew, Jim Campana (arrived late), Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Assistant Zoning Officer Angela Strohl, and Recording Secretary Deanne Werkheiser.

APPROVAL OF AGENDA

Motion was made by Robert Williams, seconded by Pamela Berlew to approve the November 30, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Pamela Berlew, seconded by Robert Williams to approve the November 9, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Zoning Ordinance review Section 3.

John Soloe stated that we will continue with the review of Land Uses where we left off.

Districts, TD1/ AC; TD2/ R2; TD4/ R3; TD5/ R4 and R5; TD6/ NC; TD9/ I1; TD10/ I2; TD11/ EX1. P is permitted use, SE is special exception which is a permitted use, but restriction can be added, and C is conditional use which goes before the Board of Supervisors for approval. A variance goes before the Zoning Hearing Board.

Non-Residential-

Manufacturing, Heavy and Light- definitions were reviewed. Approved as is.

Medical Marijuana grower or processor facility- John stated not enough land in TD9, should be removed from this district, the rest are ok.

Membership Club- John stated this is all internal, nothing external. Pamela stated could be in TD4, Scott agreed as C but suggested removing from TD5. Add C to TD4, remove from TD5.

Mineral extraction- John stated he thinks only allowing in TD11 is too restrictive. Pamela disagreed. John showed a map of remaining open land. There are two owners, the quarry, and the County. John stated TD1 should be included. Scott suggested leaving as is and if they want to do something else, they can come before the Planning Commission. Scott asked the representative from Heidelberg for input. Attorney Julie Burkart stated that Heidelberg is planning out a 50-to-100-year forecast. She suggested they come before the Planning

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Commission with their plans. They have met with Municipal Officials for a brief discussion of their plans. John stated the Planning Commission cannot play let's make a deal. Brian Sayago stated we need to plan for now not 50 years out. Julie replied that Heidelberg has been in the Township since 1900 and are a big taxpayer. There is a big difference between what is allowed by the Township and what is allowed by the state. Extraction must be at least 400 feet from homes. In current locations we own, this will not allow us to use the location for extraction. Robert replied that we need to look out for the best for the community, all the residents, not just one or two landowners. A brief discussion ensued on quarry operations, distances needed, conversations with the Township, etc.

Municipal Use, non-utility- change to P in all districts.

Nursing Home- A brief discussion ensued regarding Gracedale and County uses. John stated the changes would make Gracedale, the 911 center, and county buildings non-conforming uses. Better to change the district the property is in than make it non-conforming. The County own property that Gracedale is located on to be changed to TD10. This will be reviewed further. Add SE to TD4.

Office, medical or dental- approved as is.

Office, professional- add P to TD5 and TD10.

Remove Personal Care Center.

Personal services- add P to TD5 and TD10.

Pharmacy- approved as is.

Place of assembly (outside)-change to C in TD4, TD5, TD6, and TD9.

Place of Worship (inside)- add P to TD2 and TD10.

Prison- Nathan Pritchard stated it was previously discussed to build a new prison on the County property. They are not looking to put it on the larger parcel. Change TD10 to C.

Public Recreation- all district P.

Recycling collection Center- approved as is.

Restaurant, Café- approved as is.

Restaurant, quick serve- approved as is.

Restaurant, sit down- approved as is.

Retail, small scale- approved as is.

Sales and rental of industrial equipment- approved as is.

School, primary and secondary- all P except for TD1 which will be C.

School, post-secondary- remove P from TD5, add P to TD10.

Solar, utility scale- remove P from TD1.

Solid Waste disposal facility- approved as is.

Timber harvesting- approved as is.

Warehouses- a brief discussion ensued over where is the best locations for permitted use and what constitutes a warehouse. Scott stated he would like to come back to this one to discuss sizes and uses.

Wholesale sales- add P to TD9.

Wildlife Sanctuary- approved as is.

Wind energy system- remove P from TD1 add P to TD10.

Accessory Uses-

John stated work needs to be done on these. He will go through them, and we will review again.

Accessory apartment- They are not allowed per our Ordinance remove A from TD4.

Accessory use customarily incidental to primary use- should be allowed in all districts.

Agriculture support- approved as is.

Crematorium- approved as is.

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Electric vehicle charging station- needs review.
Home occupancy- why not allowed in TD5.
Home based business, low impact- should all be C.
Home based business, no impact- approved as is.
Outdoor display of merchandise- what about a farmstand? Needs more review.
Outdoor storage, domestic- approved as is.
Outdoor storage, vehicular- need explanation and review.
Package delivery services- is this the right location? Needs more review.
Solar photovoltaic system- approved as is.
Swimming pool, accessory- Needs more review.
Urban agriculture- approved as is.
Winde energy system, small- can be considered visual pollution, why not allowed in TD2? Needs more review.

John stated this will now go back to Carolyne to prepare a rough draft.

OLD BUSINESS:

Nothing at this time.

COURTESY OF THE FLOOR

Julie Burkart asked what Heidelberg's next steps would be to come before the Planning Commission. John suggested they wait until we are further along with the draft. Scott stated it will need a good review.

Scott stated the next regular meeting is December 14, 2023, at 7:00 pm. Zoning ordinance review meeting December 28, 2023, at 6:00 PM.

ADJOURNMENT

Motion was made by Robert Williams, seconded by James Campana to adjourn the meeting at 8:25 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser
Recording Secretary

01/12/2023

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of December 14, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, December 14, 2023, in the Township Building.

ROLL CALL

The following members were present: Jay Benfield, Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Assistant Zoning Officer Angela Strohl, Township Engineer Kevin Horvath, and Recording Secretary Deanne Werkheiser. Pamela Berlew and James Campana were absent.

APPROVAL OF AGENDA

Motion was made by Robert Williams, seconded by Jay Benfield to approve the December 14, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Scott Sylvainus, seconded by Robert Williams to approve the November 30, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

The Keller family joint living trust two (2) lot subdivision and lot line adjustment.

Jonathan Shupp stated that he would like to review the waiver requests. Kevin Horvath stated he would go over the plan and finish with the waivers. The trail easement was added as promised. Right of way was added along Gun Club Road. Penn DOT gave their approval. Required items have been addressed SCO has been done. Kevin stated that since they are not developing, the waivers allow them to move forward, the SALDO deals with building. Jonathan asked if the Township has a standard trail agreement. Gary Asteak has one.

Exhibit A of the December 7, 2023, review letter lists 16 waivers and deferrals. 4A, 9, 10, and 16 are deferrals. 1, 2, 3, 4B, 5, 6, 7, 8, 11, 12, 13, 14, and 15 are waivers. Number 14, tree row easements and clearing, was briefly discussed. Kevin stated this needs to be noted on the plan, ten foot wide. John Soloe agricultural use requires them to be cleared out. Jonathan stated there are already agricultural easements on the property. Jonathan stated only one new lot is being created. Al Pierce stated they are not creating any new uses. John Soloe had no further questions or comments. Kevin Horvath had no further questions or comments.

Motion was made by Scott Sylvainus, seconded by Robert Williams to recommend the Board of Supervisors grant waiver requests, 1, 2, 3, 4B, 5, 6, 7, 8, 11, 12, 13, 14, and 15, in Exhibit A. Motion approved unanimously.

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Motion was made by Jay Benfield, seconded by Robert Williams to recommend the Board of Supervisors grant deferral requests, 4A, 9, 10, and 16, in Exhibit A. Motion approved unanimously.

Motion was made by Robert Williams, seconded by Jay Benfield to recommend the Board of Supervisors grant conditional preliminary/ final approval subject to Keystone Consulting Engineers December 7, 2023, review letter. Motion approved unanimously.

Borough of Nazareth Yard Waste and Recycling Drop-off Facility, Gracedale Avenue.

Attorney Al Pierce submitted an extension letter until February 29, 2024.

A motion was made by Jay Benfield, seconded by Robert Williams to recommend the acceptance of the Borough of Nazareth Yard Waste Facility extension letter. Motion approved unanimously.

Overlook Estates West Preliminary/ Final Plan, Michaels School Road and Sterner Road

Phil Malitsch reviewed the Overlook West plan. It is pretty much like the original sketch. Trail easement along Michaels School and Sterner Roads. There were a lot of discussions on road frontage improvements Adding curbing and pathway construction. Realignment of Michaels School Road was integrated into this plan. We are looking for the Municipality to help with the costs for this. We are looking for a waiver from traditional cul-de-sac requirements. We are currently doing septic testing. Adjustments may be made to the lots due to the testing results. Northern section is mostly shale and drains very quickly. We are working on the NPDES permit design and planning components. Mark Thompson, from TLT stated there is a paper street on the western side that would need to be vacated. The lots will be one acre instead of two acres. Open space will be 50% for this. There will be an HOA to maintain the open space areas. The roadway will be widened to the west to straighten the roadway per previous plans. The eastside will be done with the Overlook project. The remainder of the roadway will be done with the Overlook West project. The Open space option is being used to allow for the one acre lots. This allows the open space to be contiguous and preserved. Robert stated this is more advantageous to the township. Phil stated the open space will be meadows with mowed pathways and include a stormwater basin. A total of 13 lots in the project and improvements are only to the roadway that fronts the project.

Rina Mack asked what the township would be doing to improve the intersection with Route 248. Scott Sylvainus replied this commission cannot do anything about that. It is on the township radar. It is something that can be addressed. Rose Laurito asked about the type of plants in the meadow, will they be conducive to the farmers? Phil and Mark, both responded it will be looked into. Not sure what is planned. Ullis Temos stated there is a pipeline and easement there. He submitted a copy of the pipeline easement. There are requirements with that, 175-foot easement. Ullis stated he fought and paid to have the pipeline location changed to the tree line. He asked if anyone knows what is happening with the pipeline. Will it be going in? Scott replied that the township does not know. Phil stated that they are requesting a waiver to the cul-de-sac, page 3, requesting a ten-foot reduction. Robert asked if the Fire Company had reviewed this? Phil replied not yet. Kevin Horvath stated the way it is, the Fire Company will need to do K turns.

Kevin Horvath reviewed issues from the December 7, 2023, comment letter. The developer is to provide the township with cost sharing for upgrades to Michael School Road.

#9 in the review letter - there are steep slopes on the property, lots 2 and 4 specifically. Mark stated conditional use will be submitted. Kevin stated the HOA will maintain the open space area. There is one streetlight on the plan, another is being recommended for the cul-de-sac. The lights would be dedicated to the township.

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Rose Laurito asked about the HOA. Scott replied that is set up by the developer, not us. Phil stated they are not ready to move forward yet, working on several items. John suggested they submit an extension until April 2024. Robert addressed the residents; we hear you and agree with you but there is only so much we can do. This is a good plan with lots of open space. His concern is the cul-de-sac. Rose Laurito asked if the open space can be changed in the future to allow for more homes to be built. Scott replied no, it will always be open space, can not be built on. Robert asked if the HOA will be responsible for stormwater maintenance and NPDES permit. Phil replied yes, we are also taking in drainage from Michaels School Road. Rina Mack asked about the cul-de-sac since it ends at her driveway. She does not want people up her driveway. Phil suggested that they could add curbing to her driveway, so people know it is not a roadway. Can also add signage. Robert asked what the average square footage will be and selling price. Phil responded 4,000 to 5,000 square feet at the cost of \$1,000,000.00. Rose Laurito asked when will the road be improved? Will it be before building the homes? Phil replied 80% of the project is the roadway.

Motion was made by Scott Sylvainus, seconded by Jay Benfield to table the Overlook West plan. Motion approved unanimously.

OLD BUSINESS:

Nothing at this time.

COURTESY OF THE FLOOR

Meeting dates, times, and deadlines were reviewed.

ADJOURNMENT

Motion was made by Jay Benfield, seconded by Robert Williams to adjourn the meeting at 8:07 PM. Motion approved unanimously.

Respectfully submitted,
Deanne Werkheiser, Recording Secretary

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