

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

Minutes of April 11, 2024

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 11, 2024, in the Township Building.

ROLL CALL

The following members were present: Pamela Berlew, Jay Benfield, Jim Campana, Scott Sylvainus, Robert Williams, Assistant Zoning Officer Angela Strohl, and Recording Secretary Deanne Werkheiser. Township Manager, Lisa Klem, Township Engineer Kevin Horvath, Alternate Township Engineer Justin Coyle, and Township Solicitor Steve Mills were also present. Zoning Officer John Soloe was absent.

APPROVAL OF AGENDA

Motion was made by Robert Williams, seconded by Jim Campana to approve the April 11, 2024, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Robert Williams, seconded by Jim Campana to approve the March 28, 2024, meeting minutes. Motion approved unanimously.

NEW BUSINESS

An extension letter was received for The Estates at Silvercrest, south of Silvercrest and Newburg Roads at Township Line Road.

Motion was made by Pamela Berlew, seconded by Jay Benfield to recommend approval of Estates at Silvercrest Extension to September 30, 2024, to the Board of Supervisors. Motion approved unanimously.

An extension letter was received for Overlook Estates West, Michaels School and Sterner Roads.

Motion was made by Pamela Berlew, seconded by Robert Williams to recommend approval of Overlook Estates West Extension to July 31, 2024 to the Board of Supervisors. Motion approved unanimously.

Yeska Minor Subdivision, Blossom Hill Road, resubmission and waivers-

Ryan Engler from ENGO, stated they resubmitted and received a favorable letter from KCE. They are requesting a waiver from adding parcel #1 to highway dedication since it would make it more nonconforming. Kevin Horvath responded that Solicitor Gary Asteak is suggesting this for the future. Ryan replied that they cannot do this on the other lots since they are in farmland preservation. Kevin stated it is a grant for the future, per Gary. This was done on the Keller plan.

Exhibit A of KCE April 5, 2024 letter includes the 13 waiver and deferral requests. Kevin stated these are very similar to the ones granted to Keller, non-building waivers. Scott Sylvainus asked if these are acceptable because they are not being built on. Kevin replied yes, the large tracts are in farmland preservation. Ryan stated no more development will happen. Kevin stated that KCE has no objections to the waivers and deferrals. Number 11 was reviewed for decision on deferral or waiver. Robert Williams stated sidewalks should be a deferral since we do not know what will be needed in the future. Number 11 will be a deferral. Steve Mills and Angela Strohl stated they have no issues with the waivers and deferrals. The Planning Commission members were in agreeance with the waiver and deferral requests.

Motion was made by Pamela Berlew, seconded by Robert Williams to recommend approval of Yeska Minor Subdivision waivers and deferrals in Exhibit A from KCE letter dated April 5, 2024, with #11 being a deferral to the Board of Supervisors. Motion approved unanimously.

Motion was made by Pamela Berlew, seconded by Jay Benfield to recommend preliminary/ final plan approval of Yeska Minor Subdivision to the Board of Supervisors. Motion approved unanimously.

Penn-Dixie Commercial Park-

Lewis Ronca stated there have been some slight changes to the plan since the last time they were before the Planning Commission, due to DEP requiring no activity in the stream buffer areas. The building has been reduced in size to 615,000 square feet. The seasonal cottages have been removed. A turnaround has been added to the private road as well as a five-foot walking path that can tie into Tuskes Park. They are requesting 15 waivers. Justin Coyle suggested going through the waivers one by one per the suggestions of the CEC letter dated April 9, 2024.

#1 Private Street width- Lewis stated the private street is 36 feet at the entrance and 30 feet in the interior. It is a private street that will not be dedicated. There will be protective covenants for the three lots to use and share costs of the roadway. There will be no parking on the roadway. It is wider than Route 248. Justin Coyle replied that SALDO requires 32 feet, providing two 12-foot lanes and four feet shoulders. This is for safety and compliance. Two feet will not change the stormwater requirements much. The 50-foot easement is for swales, MS4 inspections. He feels a 32-foot roadway with a 50-foot right of way is appropriate. Jim Campana asked if this would be adequate for the Fire Company? Lewis responded that he gave the information to Jeff Fassl and he was good with this. There is no parking on the roads. Robert Williams asked if there was a hardship that the two extra feet cannot be added. Lewis replied the building would be pushed into a steep slope to accommodate the additional two feet, an 80-foot elevation from south to quarry area. Pamela Berlew stated she is not sure there is a hardship. Robert Williams stated we need to follow the SALDO, it is the law. Jay Benfield asked if the right of way being 50 feet was the issue? Lewis replied it is a private road, who are we giving the right of way to? The road is not being dedicated to the Township. He suggested an easement instead of a right of way. No motion was made for street width.

Motion was made by Robert Williams, seconded by James Campana to recommend approval of #1A 22A-704 (2)(A) 50-foot easement along private street to the Board of Supervisors. Motion approved unanimously.

#2 Penn Allen Road width- Lewis stated the only use of this road would be on the north end. Due to the buffers of the stream, it cannot be made 32 feet wide. No additional traffic is being added. They propose a 25 -foot right of way from the center of Penn Allen and waiver from widening. It is currently 18-foot wide. Nathan Pritchard stated there is a possible trail along the Penn Allen per the official map. Justin stated there was a photo on the last page of his letter. Lewis stated due to the stream, we cannot disturb the riparian buffer. It goes across the roadway. The stream is anywhere from 15 feet to right along the roadway. It comes under the roadway through a pipe. We did speak to DEP and met with them on site. They told us to stay away from the stream. Robert Williams stated this is a hardship. Justin Coyle suggested a deferral.

Motion was made by Scott Sylvainus, seconded by Robert Williams to recommend approval of #2 deferral of 22A-705(1)(F) on Penn Allen Road to the Board of Supervisors. Motion approved unanimously.

#3 Curbing along Route 248- Lewis stated there is no curbing now. Penn DOT is not requiring it. This is a state roadway. Motion was made by Scott Sylvainus, seconded by Pamela Berlew to recommend approval of #3 waiver of 22A-705(1)(J) curbing on Route 248 to the Board of Supervisors. Motion approved unanimously.

#4- Lewis stated this is the same request as #1 for the loop road.

Motion was made by Scott Sylvainus, seconded by Robert Williams to recommend approval of #4 of 22A-705(2)(A) 50-foot easement along private street to the Board of Supervisors. Motion approved unanimously.

#5 Cul-de-sac length 22A-705(7)(C) They are requesting a waiver due to the private street being 900 feet in length. Justin stated they recommend the waiver as long as they are in compliance with 22A-705 (7)(D). Lewis stated the width is in compliance to allow fire trucks to turn around.

Motion was made by Scott Sylvainus, seconded by Robert Williams to recommend approval of #5 waiver of 22A-705(7)(C) conditioned upon satisfying 22A-705(7)(D) and have Fire Company approval to the Board of Supervisors. Motion approved unanimously.

#6 curbing per 22A-705(9)(A)(1-2)- Lewis stated they are requesting waiver on Lot 2 and Lot 3 which only have five parking spots. Justin responded the curbing is to funnel traffic and for stormwater conveyance.

Motion was made by James Campana, seconded by Jay Benfield to recommend approval of #6 waiver of 22A-705(9)(A)(1-2) for lots 4 and 6 to the Board of Supervisors. Motion approved unanimously.

#7 curbing height 22A-705(9)(A)(3)-. Lewis stated that Penn DOT standard is 18 inches. There is no functional difference between 18 inches and 22 inches. No motion was made. The Townships requirement of 22 inch curbing will remain.

#8 sidewalks 22A-705 (9)(B)(1)- Lewis stated they are requesting no sidewalks. We do not want people to be walking through for safety. We could put in a gate off the cul-de-sac for access to the park. Justin responded that safety is an issue. It is a disservice to the employees. Deferrals are hard to track down in the future.

Motion was made by Scott Sylvainus, seconded by Robert Williams to recommend approval of #8 deferral of 22A-705(9)(B)(1) sidewalks along Penn Allen Road and requiring a five-foot sidewalk along the eastern side of the private driveway, running north and south, connecting to five-foot walking path running east to west along Route 248 to the Board of Supervisors. Motion approved unanimously.

#9 public sanitary sewer system connection 22A-706(1)(A)(1)- Lewis stated lots 1, 2, and 3 will be connected. The NBMA has approved capacity for lot 4 (apartment building) as a secondary means of service. Lots 4 and 6 are more than 1,000 feet from an existing system and not feasible due to the location of the quarry.

Motion was made by Robert Williams, seconded by Pamela Berlew to recommend approval of #9 deferral of 22A-706(1)(A)(1) for lot 4 and lot 6 to the Board of Supervisors. Motion approved unanimously.

#10- public water system connection 22A-707(1)(A)- Justin stated this is similar to #9.

Motion was made by Pamela Berlew, seconded by Jay Benfield to recommend approval of #10 deferral of 22A-707(1)(A) for lot 4 and lot 6 to the Board of Supervisors. Motion approved unanimously.

#11 side slope 22A-708(4)(B)(2)(b)- Lewis stated they are requesting 3:1 instead of 4:1. This is not unusual. Justin replied they have no issue with the request. Scott Sylvainus asked how deep the basin will be and will it have a fence. Lewis replied 8 feet deep and it will have a fence.

Motion was made by Pamela Berlew, seconded by Robert Williams to recommend approval of #11 modification of 22A-708(4)(B)(2)(b) to permit a 3:1 side slope to the Board of Supervisors. Motion approved unanimously.

#12-22A-708(4)(C)(1)(g) Lewis stated the plan has retention basins. No detention basins. Justin stated this is not applicable, moot point.

#13 22A-711(2)(b)(2) all trees more than six inches in diameter shall be located and identified on the plan. Lewis stated there are many trees on this site. The requirement can be waived for densely wooded areas and tree rows. Lewis replied the areas on the project site containing these size trees are in densely wooded areas and tree rows. Motion was made by Jay Benfield, seconded by James Campana to recommend approval of #13 waiver of 22A-711(2)(b)(2) for trees in densely wooded areas and tree rows to the Board of Supervisors. Motion approved unanimously.

#14 storm sewer pipe 22A-708(4)(D)(4)- Lewis stated it is common to use HDPE instead of concrete. Would like that modification.

Motion was made by Robert Williams, seconded by Pamela Berlew to recommend approval of #14 modification of 22A-708(4)(D)(4) to permit HDPE pipe with O-rings in all grass areas leading to retention basins to the Board of Supervisors. Motion approved unanimously.

#15- 22A-711(4)(D)(8) requirements for storm sewer lines in Karst area. Lewis stated thousands of feet of piping are going in. Not sure how this would be done. Justin stated this prevents water dissolving the earth along the area the pipes run. Scott Sylvainus asked if a Karst study was done to identify the area. No study has been done yet. No action will be taken at this time on #15.

Endeavor Enterprise, LLC Land Development, 373 East Lawn Road-

Adam Pooler stated this was a resubmission based on his previous submission and reapplied with plan. Adam referenced KCE review letter dated April 5, 2024. He questioned what they were looking for in Section 5 #2. Kevin Horvath responded a duplicate of what was approved in 2010 Scipioni plan. Need to provide what is needed for a land development plan.

Adam responded that they were in compliance at the last review meeting. How do we know we won't have the same issue as we go through this. We just received the review letter today. Section 4 #5, Adam stated they won't do an HO permit. Kevin replied that is simply a plan note. This is required if going onto a state road.

Pamela Berlew stated there is not enough submitted for them to do a review at this time. She reviewed what Adam will need to have in a submission.

OLD BUSINESS:

Nothing at this time.

COURTESY OF THE FLOOR

Nothing at this time.

Next meeting for zoning ordinance update is April 25, 2024, at 7:00 PM.

Next regular meeting is May 9, 2024, at 7:00 PM.

ADJOURNMENT

Motion was made by Jay Benfield, seconded by Pamela Berlew to adjourn the meeting at 9:10 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser,
Recording Secretary