

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

Minutes of January 13, 2022

The reorganization meeting of the Upper Nazareth Township Planning Commission was called to order by Zoning Officer John Soloe at 7:00 p.m. on Thursday, January 13, 2022, in the Township Building.

John Soloe asked for nomination for the 2022 Chairman. Motion to Nominate Scott Sylvainus was made by Pamela Berlew, 2<sup>nd</sup> by Jay Benfield. No other nominations were made. Vote: 4-0.  
Scott Sylvainus assumed the position of Chairman.

Scott Sylvainus asked for nomination for the 2022 Vice- Chairman. Motion to Nominate Pamela Berlew was made by Jay Benfield, 2<sup>nd</sup> by Scott Sylvainus. No other nominations were made. Vote: 4-0.

Scott Sylvainus asked for nomination for the 2022 Secretary. Motion to Nominate Jay Benfield was made by Pamela Berlew, 2<sup>nd</sup> by Jim Campana. No other nominations were made. Vote: 4-0.

Regular business meeting commenced.

**ROLL CALL**

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

**APPROVAL OF AGENDA**

Motion was made by Pamela Berlew, seconded by Jim Campana to approve the January 13, 2022, meeting agenda.  
Motion carried. (4-0)

**APPROVAL OF MINUTES**

Motion was made by Jim Campana, seconded Pamela Berlew to approve the November 11, 2021, meeting minutes.  
Motion carried. (4-0)

**NEWBUSINESS**

DEP Letter- Tadmor 2- Letter was received and emailed to all members for review. The revisions were approved with the requirement of a Water Quality Management permit.

**OLD BUSINESS:**

Multi-municipal Plan review- Scott Sylvainus stated that they are near a final draft. Current draft is much better than previous versions. Proposed map will have changes, i.e., Tadmor. John Soloe stated he believes the Board should be the ones deciding the direction of the Township. The Comprehensive Plan is a guide. A discussion ensued regarding updating Zoning and SALDO ordinances as a group; developed, undeveloped, and potential development areas; legality issues; road usage and Penn DOT; and cement companies. Scott Sylvainus stated more to come on this.

John Soloe stated members have the updated SALDO with the new numbers to use going forward.

### **COURTESY OF THE FLOOR**

John Soloe stated he had several items-

1. At a recent meeting he attended, the discussion revolved around small businesses turning extra space into living areas without permits. Bethlehem is struggling with this issue now. When in commercial zones, all work must meet commercial codes. A brief discussion ensued. Pamela Berlew stated it should boil down to safety and nothing else.
2. John Soloe asked if we had an alternate Planning Commission member. This was discussed previously with Gary Asteak. He gave direction on their voting abilities. Scott Sylvanus stated since the need has not arisen, nothing has been done.
3. John Soloe stated that the Commissions job is to plan. Changes are needed to the 537 plan for Christian Springs. We need to plan for future. A brief discussion ensued regarding sewer lines, sewer authority, and sinkholes in Bushkill Stream.

### **ADJOURNMENT:**

Motion was made by Jay Benfield, seconded by Jim Campana to adjourn the meeting at 8:08 p.m. Motion carried with all voting aye (4-0).

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

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

Minutes of February 10, 2022

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 10, 2022, in the Township Building.

**ROLL CALL**

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

**APPROVAL OF AGENDA**

Motion was made by Jay Benfield, seconded by Kelly-Jo Smith to approve the February 10, 2022, meeting agenda. Motion approved unanimously.

**APPROVAL OF MINUTES**

Motion was made by Pamela Berlew, seconded by Jay Benfield to approve the January 13, 2022, meeting minutes. Motion approved. Kelly-Jo Smith abstained.

**NEWBUSINESS**

Nothing at this time.

**OLD BUSINESS:**

John Soloe stated Multi-municipal Comprehensive Plan needs to be discussed. There needs to be a balance and an understanding who the watchdog will be if it is implemented. Is it consistent with the Townships direction? If the Township accepts it, are you changing your Zoning ordinance and SALDO? If you modify or update them, the cost will be \$40,000.00. There are issues with the plan that will have a direct impact. City view would not have been built under this. You cannot obstruct views. Scott stated the plan is a guide. You do not have to follow everything. The Planning Commission is the ultimate watchdog. We would make sure to follow what is necessary per the Zoning Ordinance. John stated there are many things in the Comprehensive Plan that would be an issue for the Township. Scott responded the plan is not as restrictive as it seems. John responded the plan would allow for mobile homes, Granny Flats, tiny houses, etc. Calls for the elimination of setbacks, lot size requirements, and parking restrictions "to ensure future housing needs for future residents." Scott responded that we need to provide for it within the COG. We do not have to have every use if someone else does. John responded it is calling for locating low-income housing in the middle of middle-income areas. He is just trying to make sure what the comprehensive plan is calling for. Everyone needs to read it. We have a quarry property on the west end. It is currently zoned agricultural. The plan calls for quarries being in extraction zones only. Pamela responded we have discussed this before.

John stated the plan calls for warehouses to not be a permitted use. They must go before a special board to get approval. That would kill future growth. Scott responded we could choose to have them and where they would be located. We do not have to allow them. We could choose whether or not to allow them.

A brief discussion ensued of fire protection requirements for larger buildings and projects, developments, and water towers.

John reiterated that the comprehensive plan must be read to understand it and understand what is in it. If it is adopted, you will need to make major changes to your Zoning and SALDO. What you want for the Township needs to be looked at prior to approval.

Pamela asked how the Township can protect itself from issues with fires in homes and people walking away with the insurance money and not fixing the home. John responded the money comes to the Township and is only released once a CO is issued. Standard in most municipalities now. Blighted properties are handled by the solicitor after initial letters are sent by Zoning Officer. It is all through the court system and could take years. Scott asked what needs to be done to make working on blighted properties better. John responded the Engineer must evaluate the site and state the issues that are found per the Property Maintenance Code. Then third party inspections are done to verify the findings. Certified letters are sent with the findings. Removing blighted properties would require a blighted property ordinance. A brief discussion ensued on what would be required to implement, and which properties might fall under it.

John stated the Comprehensive Plan calls for a well inspection and inventory program, septic, and sewer areas. We need to start talking about the Christian Springs area and sewers. We need to talk to the Nazareth Area Sewer Authority and what the future plan is. Need to revisit the 537 plan. Pamela stated the current plan says the entire Township can have sewer. A brief discussion ensued.

A brief discussion ensued regarding impending construction in Palmer Township as well as issues with roadways and repairs, potholes, and utility lines.

A brief discussion ensued regarding quarries in and around the Township regarding reclamation plans and timing of those plans being implemented.

#### **COURTESY OF THE FLOOR**

John Soloe stated there is a plan for review for the next meeting.

Scott stated that Geoff Reese from LVPC will be at the March or April meeting to present the Comprehensive Plan. The Supervisors will be invited to attend.

#### **ADJOURNMENT:**

Motion was made by Kelly-Jo Smith, seconded by Pamela Berlew to adjourn the meeting at 8:05 p.m. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

**UPPER NAZARETH TOWNSHIP  
PLANNING COMMISSION  
100 NEWPORT AVENUE  
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Minutes of March 10, 2022

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 10, 2022, 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, Township Engineer Dr. Sean Dooley and Recording Secretary Deanne Werkheiser. Also present were Donna Sabatino, Kenneth Hahn, and Michael Hahn. Absent Solicitor Gary Asteak.

**APPROVAL OF AGENDA**

Motion was made by Pamela Berlew, seconded by Jay Benfield to approve the March 10, 2022, meeting agenda. Motion approved unanimously.

**APPROVAL OF MINUTES**

Motion was made by Pamela Berlew, seconded by Kelly-Jo Smith to approve the February 10, 2022, meeting minutes. Motion approved. Kelly-Jo Smith abstained.

**NEWBUSINESS**

Scott Sylvainus stated the Sabatino Lot Line Adjustment on Mt. Vernon Ave. was submitted for review.

Michael Hahn stated there are two lots, one is very small. The lot line adjustment would make both lots more standard in size. Michael stated he is fine with Sean Dooley's review letter. He does have a question on how to proceed with the existing crushed stone driveway. Scott stated this can be addressed as we go through the review.

Sean Dooley stated he received LVPC review letter. They have no objections. Sean stated the subdivision of this area was done in 1905 with 30-foot lot sizes. The existing lot is non-conforming. The line adjustment decreases the non-conformity. This would not require a variance. Both lots would meet Act 167 requirements- 40 percent allowable impervious coverage. He has assigned an address. The driveway should be handled per the Commission and Zoning Officers directive. John Soloe stated this will make a non-conforming lot a conforming lot. This fixes an existing issue. The current driveway is not well defined. This can be left up to the homeowners on how they want to deal with it.

Pamela Berlew asked if access would be straight from the front. The response was yes.

Mrs. Sabatino stated they are not using the gravel driveway anymore. They are letting the grass grow back.

The house number for the lot would be #291. The order was questioned. Sean Dooley stated he would check on it, but he was sure that is correct and consistent with what is existing there.

Scott stated this is Preliminary/ Final Plan submission.

A brief discussion ensued on the paper alley and old railroad bed shown on the back and side of the property. The owner will look into this further. May be better to do something about it now while changing the deeds with the lot line adjustment.

A brief discussion ensued regarding the Faust Paper Street issue. Sean Dooley and the Commission stated that it is not a lien on her properties and gave her direction on how to proceed.

A motion was made by Kelly-Jo Smith, seconded by Jay Benfield that the Board of Supervisors approve the Sabatino Lot Line Adjustment Preliminary/ Final Plan subject to Keystone Consulting Engineers March 3, 2022, review letter. Motion approved unanimously.

John Soloe stated that they will need to submit two mylars and three paper copies of the plan.

This will be added to the April 6, 2022, Board of Supervisors Meeting agenda.

**OLD BUSINESS:**

Geoff Reese from LVPC will be presenting the Multi-municipal Comprehensive Plan at the April 14, 2022, meeting.

**COURTESY OF THE FLOOR**

Nothing at this time.

**ADJOURNMENT:**

Motion was made by Kelly-Jo Smith, seconded by Pamela Berlew to adjourn the meeting at 7:30 p.m. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

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

Minutes of April 14, 2022

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 14, 2022, in the Township Building. The meeting was live streamed for anyone wishing to hear.

**ROLL CALL**

The following members were present: Jay Benfield, Pamela Berlew, Jim Campana, Kelly-Jo Smith, Scott Sylvainus, Township Manager Lisa Klem and Recording Secretary Deanne Werkheiser. Also present were Geoffrey Reese and Matt Assad from Lehigh Valley Planning Commission. Absent- Zoning Officer John Soloe, Township Engineer Dr. Sean Dooley, Solicitor Gary Asteak.

**APPROVAL OF AGENDA**

Motion was made by Pamela Berlew, seconded by Jay Benfield to approve the April 14, 2022, meeting agenda. Motion approved unanimously.

**APPROVAL OF MINUTES**

Motion was made by Kelly-Jo Smith, seconded by Jim Campana to approve the March 10, 2022, meeting minutes. Motion approved unanimously.

**LVPC PRESENTATION**

Geoffrey Reese and Matt Assad were present from the LVPC. They will be presenting the Multi-Municipal Comprehensive Plan. Geoffrey gave a brief description of the LVPC presentations to the ten communities involved with the Comprehensive Plan over the last several weeks. The plan will be presented, and comments collected prior to it being open for the public comment period. Geoffrey reviewed the area included in the plan. The steering committees focus was reviewed. Sixteen different issues with a broad range of topics were the focus of discussions. This produced seven core goals and twelve core principles. The seven goals are to reduce development stress on existing utility infrastructure; balance preservation and development; improve air and water quality; increase the attainability of housing; mitigate the impacts of increasing traffic on roads and infrastructure; identify the appropriate site locations for warehouses and industrial development; and direct investments and resources to maximize the Nazareth Area's economic strengths and diversity. The twelve principles are to create higher density in existing developed areas; incorporate mixed land uses in existing and new development areas; enhance walking, rolling, biking, and transit use for daily trips, including commuting to work; preserve natural resources; preserve farmland and cultural, historic, and scenic resources; enhance recreational opportunities for all persons; reduce transportation related emissions and congestion; appropriately locate future land uses; create high-quality jobs and skilled workforce; create diversity in housing choice for all income levels; create and enhance partnerships; and enhance funding opportunities for needed improvements.

The plan addresses each goal in-depth and implementation actions that will be needed once the plan is adopted.

Goal #1 reduce development stress. Match development intensity with sustainability and strengthen infrastructure.

Goal #2 balance preservation and development. Protect resources, preserve farmland, and preserve resources. There are five separate plans within this document. The current plan was adopted in 2006 This document is being updated but only minor changes have been made to certain plan documents like the Natural Resources. Values are ranked within this plan as high or medium. Farmland Preservation is next. Some areas are already preserved through Northampton County. Map gives priority to most important to preserve based on proximity to other farms and areas already preserved, ranking high, medium, and low. Place Types organizes the development character of the place and infrastructure that connects it. There are eleven different types T1 to T11. Future Land Use Plan included a map that gives the type of area and the type of development that would be appropriate for that area. Areas include natural resources, farmland, areas for preservation, buffers, and development. The Park, Recreation, and Open Space Plan includes Official Map information. Preserves the rights of the municipality for land development and future needs.

Goal #3 improve air and water quality. Plays a critical role in having a clean and vibrant environment.

Goal #4 increase the attainability of housing. Includes diversity in housing. Having housing choices for all income levels is key to the regions ability to retain residents.

Goal #5 mitigation of increased traffic. This is very important. Lists centers and corridors- local, critical, community, commercial, regional, and limited access.

Goal #6 appropriate location for warehouses and industrial development. Have immense impacts on the community, requiring proper location.

Goal #7 investments and resources to maximize economic strengths and diversity. Economic strength and diversity for the area.

The plan implementation starts with each municipality adopting the Comprehensive Plan. This will not happen for a few months. Need to meet legal requirements. The MPC created the Intergovernmental Cooperative Implementation Agreement specifically as a means of implementing Multi-Municipal Comprehensive Plans. This allows communities to benefit by working together to meet all required uses collectively. All ten municipalities are partners. Zoning ordinances will need to be updated.

Geoffrey stated that they are looking to have all comments from Upper Nazareth Township by two weeks from this evening, April 28, 2022, so that they can be consolidated into the draft plan.

Geoffrey asked if anyone had questions or comments. Pamela Berlew stated that there have been a lot of changes since the last comprehensive plan. Her concerns are regarding no sharing of funding. If we have farmland and no industry, we do not receive the funds that other municipalities who have warehouses and industry. We are growing and need the additional income. Geoffrey responded that they have been talking to the communities about these concerns. We can still talk and coordinate with the other municipalities. The future land use maps show more general areas. We can create and update within our own community as we see fit. Gives flexibility.

Brian Sayago asked how much ability does one community have to affect usage. Say a roadway and transportation. A route through the entire area. How can we influence the goals? Where can I speak? Geoffrey responded it starts with Official Maps. Needs to be put on the map. You can speak to the other municipalities to see if they agree. If they all agree it can possibly be added to the LV Transportation Plan. Mechanisms exist that can help if this is what all ten municipalities decides is a good idea. Individual Zoning Ordinances would be coordinated with the other municipalities so that they are your ordinance but work with the others. You will need to decide and have it in an agreement. Certain types of development will affect more than just the community in which it is located. This allows all to work together moving forward. Add what ideas you want to the Comprehensive Plan to help you as you move forward.

George Polak gave Geoffrey Reese a letter similar to what was given to Planning Commission members and the Board of Supervisors.

Scott Sylvainus asked if there are coordinated Official Maps? Geoffrey responded not that he is aware of, but this plan gives you very close to that.

Lisa Klem asked about the Land Use map, how does the plan provide for economic balance? Geoffrey responded this plan is just a guide moving forward. You as a municipality decide what is best for you.

Geoffrey stated they have not received many comments back from municipalities. Only Stockertown so far. The Steering Committee has been working on this for three years. Pamela asked if all municipalities are looking at working together for the long term? Geoffrey responded the communities will need to decide and work together.

The Planning Commission thanked Geoffrey and Matt for the presentation.



**NEWBUSINESS**

Nothing at this time.

**OLD BUSINESS:**

Nothing at this time.

**COURTESY OF THE FLOOR**

Scott Sylvainus stated that Gary Asteak did respond to George Polak's letters. His time to comment on the Comprehensive Plan will be during the 45-day public comment period. Brian Sayago asked how the public will know when this period is? Matt Assad responded it will be promoted by LVPC, the communities, the COG. Etc. Brian asked what the Planning Commission will be recommending to the Board of Supervisors for advertising of the plan and meeting? Pamela Berlew responded it will be on our website and maybe advertise in the Key. Brian suggested the Planning Commission come up with a plan for the Board of Supervisors on advertising.

**ADJOURNMENT:**

Motion was made by Kelly-Jo Smith, seconded by Jim Campana to adjourn the meeting at 8:05 p.m. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

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

Minutes of May 12, 2022

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 12, 2022, in the Township Building.

**ROLL CALL**

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

**APPROVAL OF AGENDA**

Motion was made by Pamela Berlew, seconded by Jim Campana to approve the May 12, 2022, meeting agenda. Motion approved unanimously.

**APPROVAL OF MINUTES**

Motion was made by Kelly-Jo Smith, seconded by Jim Campana to approve the April 14, 2022, meeting minutes. Motion approved unanimously.

**NEWBUSINESS**

Overlook Estates four lot subdivision Preliminary/ Final Plan submission.

Salvatore Caiazzo and Phillip Malitsch were present and representing the applicant.

Scott Sylvainus stated the developer will speak first, then our Engineer, Zoning Officer, and Planning Commission members, and then any members from the public.

Salvatore Caiazzo stated the submission is a subdivision of the parcel into four lots, two lots will be two acres, two lots will be six acres, and includes realigning of an existing lot. There are no proposed new roadways. None of the lots are "flagpole lots," all have the minimum 135-foot required frontage. Soil testing and perc testing are done. They just received infiltration testing results. No zoning variances are required.

Salvatore Caiazzo stated they would like to discuss what kinds of roadway improvements will be required and the Trailway that is being required. Your engineer is requiring a trail along Lot #3. This is an alternate trailway location. Shoulder widening to fourteen feet, sidewalks, and curbing are items we would like to address.

Engineer Sean Dooley stated that the Planning Commission members should keep in mind this is the beginning of development in this area. Sean Dooley gave a synopsis of his May 5, 2022, review letter. Having well water is fine. Need to discuss turn around for delivery trucks, public works, etc. There is a right of way to connect the paper road (Fox Rd.) in that area. Resident Rose Laurito stated garbage trucks have to back down the road, have almost hit neighbors. Sean responded we will come back to this issue. Sean Dooley stated that the Official Map does call for Trailways in this area. No traffic study required but traffic impact fees will be assessed. Sidewalks can be discussed further. Road widening to be fourteen feet on each side of the road for a total width of twenty-eight feet. They have met the required frontage widths for the lots, no flagpole lots. Street signage is being suggested that included speed limit signs and road name signs. For

the Board of Supervisors, he is suggesting streetlights at Rt. 248 and Michael School Rd. and Sterner Rd. and Michael School Rd. to improve visibility.

Scott Sylvainus asked about the infiltration rates. Sean Dooley responded this can be addressed and controlled. There is shale around the edge, rates are high.

Zoning Officer John Soloe stated he had nothing at this time.

Resident Rose Laurito stated that streetlights may not help. There is a blind spot when turning left off of Michael School Rd. onto Rt. 248., making it a very hard turn. It is not easy to get in or out of that road.

Resident Michelle Martin stated run off along the roadway will come right into their property. Are former required improvements still in play? Can they have animals? How will we be protected and protect those on the Trail since we have an electric fence. John Soloe responded that larger lots can have animals per Ordinance. Sean Dooley responded the Township would own the Trail. Fencing will be put up to protect those on the trail and keep them off your property.

Michelle asked how close the driveway will be to the property line? Salvatore Caiazzo responded approximately thirty-five feet due to the proximity to the intersection (Sterner Rd). Sean Dooley responded we can look at this more since there is a stop sign at Sterner Rd. Might be able to move the driveway up. Pam Berlew responded it would be better to have the driveway further away from the trail for safety. The trail should have a gate, etc. Salvatore Caiazzo and Sean Dooley will work on this matter.

Resident Rena Mack stated she lives on the near by farm. If this is approved, you will be responsible for killing someone. The intersection at Rt. 248 is extremely dangerous. Michael School Rd. needs to be made wider so that people can get in and out safely. The road is very slanted, and people do not stop at Sterner Rd. Once the fields are planted and grown you cannot see. You are changing a beautiful rural area into a suburb. There should be a different way to do this. She asked about the paper road. Salvatore Caiazzo responded it is a fifty foot right of way with an old bridge. They have no interest in doing anything with it. Scott summarized Rena Mack's concerns as traffic, visibility, and preserving area farmland.

Resident Michelle Martin mentioned hazardous conditions caused by water runoff of buildings onto Michael School Rd. The roadways get easily snowed in. Rena Mack stated that people turn around on her property all the time. She owns and maintains a quarter mile of roadway. People do not read or abide by the posted signs.

Scott Sylvainus asked for Planning Commission member's input.

Jim Campana had no comments.

Jay Benfield felt that everything was covered.

Pam Berlew stated that while she feels for the residents the land is zoned for much more than they are proposing. We do not own it so we cannot control this.

Rena Mack spoke directly to the developers' representatives asking if they will be responsible when someone gets killed at Rt. 248 and Michael School Rd.? Salvatore Caiazzo responded no; it is a Township road. Ultimately the responsibility of the resident. Pam Berlew responded we can only require the developers to follow what is required by SALDO and Zoning Ordinance.

Kelly-Jo Smith asked if there will be fire hydrants and are the roadways wide enough for fire trucks? Salvatore Caiazzo responded no, wells only in this area. They will be widening the roadway.

Jay Benfield asked if the developers thought about the suggested turn around. Salvatore Caiazzo responded no; it is not required by the Ordinance.

John Soloe stated that this development does not make sense on a dead-end road. A bulb (turn around) needs to be in the design now. More houses are coming, and it will be an issue. Cannot have a development on a dead-end road.

Salvatore Caiazzo stated this can be discussed with the developer but is not required. Pam Berlew asked if the right of way (Fox Rd.) can be utilized for a turn around? Salvatore Caiazzo responded they do not own that area.

Scott Sylvainus asked if a time limit can be put in place for a turn around. Sean Dooley responded yes. Salvatore Caiazzo responded they can come up with a concept. John Soloe reminded them to think about snow plowing, etc. Salvatore Caiazzo stated they have not started the planning of the other two parcels. John responded we know what is coming, you have already submitted that. Phillip Malitsch responded there is no requirement for this (turn around). If you want this, it can be part of a future development/ open space. Sean Dooley responded we can work with this and open space to achieve what is needed. Phillip replied we originally planned for thirteen lots. Four lots is much better. We cannot be required to do improvements if that area is not being planned yet. Sean responded that a modified version of a hammerhead is another option. We can look into this further.

Scott Sylvainus asked about the intersections. Sean Dooley responded the Board of Supervisors can have KCE look at the intersections, dips, and high points of Michael School Rd. We can produce suggestions. There are issues outside their scope of work. The Police, Public Works, and Fire Department should be involved with this as well.

Phillip Malitsch stated that Sean is requesting a trail. We are not putting a trail in. We can work with the Township, possibly make some adjustments to fees, negotiations can be discussed, or easements could be put in place. We feel curbs are not required per the ordinance since this is an existing local roadway. The sidewalks are required. Type of material needs to be discussed. Sean responded that swales are required. Additional requirements regarding the level of the swale versus driveways, inlets, etc., would all be addressed and alleviated by putting in curbs. The Planning Commission prefers that curbs and sidewalks be put in. Salvatore Caiazzo responded that was not required for a similar development done in 2000. Scott Sylvainus responded that we learned from our mistakes. Phillip stated they are not required to put in curbs but can look to see if it is mutually beneficial.

Pam Berlew asked about the type of material for the trail. Sean Dooley responded he will work with the Open Space Committee on that, but he prefers concrete. This will also be discussed further with the developer. Sean Dooley reviewed the original sketch plan that was submitted. Deferrals can be discussed. John Soloe stated we need to plan for stormwater run-off. Phillip Malitsch stated waivers can be discussed regarding sidewalks, curbs, trail, etc. Scott responded he likes the waiver suggestion. John replied that the Planning Commission cannot suggest waivers. The developer submits waivers to the Planning Commission to decide on.

Scott Sylvainus stated that the Planning Commission is not required to take any action on this today. John Soloe stated the 90-day period starts today. He suggested that the developer submit letter of extension through the end of September so there are no issues. Salvatore Caiazzo stated they will not be able to meet the June meeting submission deadline but would like to come to discuss the project.

Phillip Malitsch officially granted extension on the Overlook Estates four lot subdivision Preliminary/ Final Plan submission until September 30, 2022. A motion was made by Pam Berlew, seconded by Jim Campana to recommend the Board of Supervisors accept the extension on the Overlook Estates four lot subdivision Preliminary/ Final Plan submission until September 30, 2022. Motion approved unanimously.

Scott Sylvainus stated this project is tabled.

#### **OLD BUSINESS:**

Nothing at this time.

#### **COURTESY OF THE FLOOR**

George Polak stated he would prefer removing resident before his name in the minutes since he does not know our definition of resident.

#### **ADJOURNMENT:**

Motion was made by Kelly-Jo Smith, seconded by Jay Benfield to adjourn the meeting at 8:32 p.m. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

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

**Minutes of June 9, 2022**

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 9, 2022, in the Township Building.

**ROLL CALL**

The following members were present: Jay Benfield, Pamela Berlew, Kelly-Jo Smith, Scott Sylvainus, and Recording Secretary Deanne Werkheiser. Also present was Township Engineer Dr. Sean Dooley.

**APPROVAL OF AGENDA**

Motion was made by Kelly-Jo Smith, seconded by Pamela Berlew to approve the June 9, 2022, meeting agenda. Motion approved unanimously.

**APPROVAL OF MINUTES**

Motion was made by Kelly-Jo Smith, seconded by Jay Benfield to approve the May 12, 2022, meeting minutes. Motion approved unanimously.

**NEWBUSINESS**

Nothing at this time.

**OLD BUSINESS:**

Phillip Malitsch from Tuskes Homes was present to seek the Commissions opinion on putting in curbs in lieu of sidewalks at Overlook Estates. They are currently updating the plans per last meeting and would like to have the opinion on this due it being an important design issue. A brief discussion of ensued regarding curbs, stormwater, potential trail opening, waivers versus deferrals, suggested turn around on the roadway, etc. The Commission members were ok with the idea. Phillip thanked them for their time and stated they will be back with submissions for the next meeting.

**COURTESY OF THE FLOOR**

Nothing at this time.

**ADJOURNMENT:**

Motion was made by Jay Benfield, seconded by Kelly-Jo Smith to adjourn the meeting at 7:20 p.m. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

**UPPER NAZARETH TOWNSHIP  
PLANNING COMMISSION  
100 NEWPORT AVENUE  
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**Minutes of July 14, 2022**

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 14, 2022, in the Township Building.

**ROLL CALL**

The following members were present: Jay Benfield, Pamela Berlew, James Campana, Kelly-Jo Smith, Scott Sylvainus, and Recording Secretary Deanne Werkheiser. Also present were Township Zoning Officer John Soloe and Township Engineer Dr. Sean Dooley.

**APPROVAL OF AGENDA**

Motion was made by Kelly-Jo Smith, seconded by Jay Benfield to approve the July 14, 2022, meeting agenda. Motion approved unanimously.

**APPROVAL OF MINUTES**

Motion was made by Pamela Berlew, seconded by Kelly-Jo Smith to approve the June 9, 2022, meeting minutes. Motion approved unanimously.

**NEWBUSINESS**

Scott Sylvainus stated there were several items under new business.

Overlook Estates Major Subdivision submittal. Sal Caiazza stated this submission addresses the items discussed at the last meeting- curbing, improvements, etc. They have received the comment letter from Keystone Consulting Engineers dated July 8, 2022. They will address the comments. They are minor, nothing substantial. The stormwater section is mostly done. They do need relief from several items.

Sean Dooley stated that we can go through the response letter and do the waivers last. Scott agreed. Sean stated that the core of the response is stormwater issues. Calculations must be corrected. Section four, they did meet the Planning Commissions requests. Sean explained his comments in Section ten, item seven. He reviewed issues that may arise with proposed curb installation. He suggests a full overlay due to deficiencies in the existing road cross-section. Curb height needs to be adjusted to accommodate additional 1.5-inch overlay. Phillip Malitsch responded they can work with the Township on this. Sean stated this needs to be a discussion with the Supervisors and Township staff since the Township would pay the costs for additional materials.

Section eleven, item two- street light at intersection of Michaels School Road and Sterner Road. Sean stated we will need to check on the utility that is already there. He suggests a cobra head light instead of a lantern type for safety. Scott Sylvainus asked if that would be an issue with the utility provider. Sean responded that we would need to look at the utility agreement for the streetlights for specifications.

Sean stated these are the items he wanted to highlight for the Commission. Scott asked for comments. John Soloe stated he had no comments. No comments from the floor. Kelly-Jo Smith and James Campana were in agreement. Jay Benfield asked about the turn around. Scott replied it is on the Overlook West plan. Jay stated that he is ok with the plan. Pamela Berlew asked about the address assignment. Is lot #4 different since it is the existing residence? Sean responded the address for lot #4 should be 3250. That will be corrected. Pamela stated she was in agreement with the plan.

Sean Dooley stated the letter with the waiver requests was emailed today. There are five waiver requests. They will be numbered for review.

Waiver number one is for driveway off sets from intersection. The issue is caused by the trail location the Township is requesting. Sean stated he feels it is acceptable because of the lower traffic and stop sign at Sterner Road. John Soloe stated they will not be backing out of that driveway. Kelly-Jo asked if this was the area where trees were discussed at the last meeting. She was answered that the trees would be on the other side of the trail.

Motion was made by Kelly-Jo Smith, seconded by Pamela Berlew to recommend approval of waiver request number one, SALDO 22A-704.3.F(1)(c) allowing a 41.4 foot offset of driveway of Lot 3. Motion approved unanimously.

Waiver number two is to put drainage easements on a single property instead of split between two properties. Sean recommends this being approved.

Motion was made by James Campana, seconded by Jay Benfield to recommend approval of waiver request number two, SALDO 22A-709.2.B(2) allowing for 20-foot drainage easements on one side of a shared property boundary. Motion approved unanimously.

Waiver number three is to adjust a stormwater pipe slope from 0.5% to 0.25%. The pipe will be privately maintained. Sean recommends this being approved because it is in the best interest of the Township to not maintain the pipe and will cause less water issues on Michaels School Road.

Motion was made by James Campana, seconded by Kelly-Jo Smith to recommend approval of waiver request number three, SALDO 22A-708.5.C(1) allowing for minimum slope at 0.25%. Motion approved unanimously.

Waiver number four is to request not having to install sidewalks along road frontage. Sean recommends this being approved because the developer agrees to install curbing along the existing road frontage. Sidewalks will be installed on the Overlook West project side. This was discussed at previous meetings where the general consensus was that this is a better choice.

Motion was made by Pamela Berlew, seconded by Jay Benfield to recommend approval of waiver request number four, SALDO 22A-705.9.B allowing for no sidewalk installation in lieu of curbing installation. Motion approved unanimously.

Waiver number five is to allow for a different option to the recreation land dedication or fee-in-lieu- of requirements. John Soloe suggested that waiver number five should be a supervisor decision not for Planning Commission. Sal Caiazzo stated this is in the SALDO. John responded this is not a Planning Commission issue. Needs Board of Supervisor review and approval. Phillip Malitsch responded we have discussed this before. We came up with different options/ suggestions. We are not looking to get out of paying with this waiver. Pamela Berlew stated the waiver does not change anything with the design, so not a design issue. Phillip stated they would like to go before the Board of Supervisors at their next meeting, so that the plan can be adjusted accordingly looking for waiver approvals. Sal Caiazzo stated this could cause the trail to go away. John responded the trail is not the issue, it is the allocation of funds, which is a Board of Supervisors decision. Sean replied that option two does not change the recreation fee payment. Would be part of Overlook West open space requirements. Supervisor Brian Sayago stated that he thought the trail was a done deal at a previous meeting. It was never discussed as a bargaining chip like it is now. He feels we should get the trail and the fees. We should not give up something for something that might be. Pamela stated option two gives them credit for the west side. Scott Sylvainus responded we lose nothing. Sean responded it gives the developer an extra lot that is taxable income for the Township. They maintain the open space not the Township. There are 13 acres on the west side. They need 30,000 square feet of open land. The trail we can use, their open space we cannot. Phillip responded we reviewed the proposal in the waiver request because it is not required of us to give. Pamela stated the trail is on the official plan. We want it. The developer is willing to give it. We will need to connect it eventually.

Phillip Malitsch, as applicant, is officially requesting waiver request number five go before the Board of Supervisors at their next meeting.

Sal Caiazzo stated he would like to go before the Board of Supervisors with the plan. Sean Dooley stated the plan needs to be cleaned up before it goes before the Board of Supervisors. Phillip Malitsch replied they are just basic technical comments and storm water items, can go with conditional approval. John Soloe stated the biggest issue is storm water and one other item. Pamela responded that those items could alter the plan. Phillip replied that they would be minor changes, nothing substantial. He is asking to submit the plan for preliminary/ final approval.

Motion was made by Jay Benfield, seconded by Kelly-Jo Smith to recommend conditional preliminary/ final approval of Overlook Estates Major Subdivision subject to Keystone Consulting Engineers July 8, 2022, letter. Motion approved 3-2. Pamela Berlew and James Campana opposed.

Overlook Estates West Sketch Plan submittal. Phillip Malitsch stated this plan was submitted in response to the discussions around the Overlook submission. We are limited by septic issues. Overall, the plan has not changed from the original submission. Added curbing and changed the type of sidewalk material to match the trail. Open space can be discussed later. Phillip stated he is not sure of the history of the right of way due to a prior subdivision. Causes an issue with changes to Michaels School Road. The paper street (Fox Road) not an open road. After so many years it can be vacated. Need to look into this further. The turnaround can evolve as the plan goes along. We can work with Planning Commission and Sean on this issue. Sean Dooley stated that the Public Works Department prefers a cul-de-sac for turnaround of their vehicles.

Phillip stated that some areas are not septic acceptable. Trying to keep open space in big chunks. May need to be reconfigured slightly to accommodate. Sean Dooley stated that he strongly disagrees with giving up right of ways. Can cause issues in the future as the area is developed. A fair compromise would be for a modified cul-de-sac. Do not give up your right of way. John Soloe suggests that Phillip contact Kenny Hahn. He did research on this and has the needed information. Pamela Berlew asked if we could keep the right of way and get the cul-de-sac. John and Sean responded no. Phillip responded it is the Townships call on how to proceed. Pamela asked if there would be curb cuts (in the cul-de-sac) for existing residents. Sean replied the plan goes with property lines. The Planning Commission wants to see a cul-de-sac on the plan.

Phillip stated they are not putting path on north side of Sterner Road. Use of open space- looking into options. Farming is an option. It is next to an existing farm. Could a meadow be done instead? John Soloe responded they need to farm it or don't allow growth over ten inches per the Ordinance. Who will be maintaining it? Sean Dooley stated another option is establishing a woodland area. Phil responded they need ideas but will be under their control.

Item number two on Keystone Consulting Engineers July 8, 2022, letter, suggests the Township not vacate their right of way. Need to talk to Shawn Shupe for input. They are proposing curbs, a five-foot sidewalk, and a path crossing on the south side of Sterner Road. John Soloe suggested that lot #7 be wider, going up to Sterner Road and not as deep. Phillip replied that the lots sizes are to accommodate open space.

Sean Dooley replied that the turn around was discussed previously, as well as stormwater. Phillip replied they would like feed back on roadway improvements that were previously discussed. John Soloe replied that Jeff Fassl, Fire Chief, stated there could be issues with getting equipment in and out due to the need for pumper trucks. A viable turn around is needed. Jeff Fassl and Shawn Shupe, Public Works Director will draft a letter outlining concerns.

Nazareth Area Multi-Municipal Comprehensive Plan final draft. John Soloe stated pages and pictures have been added. The draft comments have been removed. Any additional comments need to go back to the Board of Supervisors before the August 3, 2022, meeting. The plan has been advertised for adoption at the August 3, 2022, Board of Supervisors meeting.

Motion was made by Kelly-Jo Smith, seconded by Pamela Berlew to recommend adoption of the Multi-municipal Comprehensive Plan. Motion approved unanimously.

#### **OLD BUSINESS:**

John Soloe stated that he attended a meeting with Lower Nazareth Township with the company who will be redoing the Zoning Ordinance. They will be attending the next meeting to present to the Commission. Once information is received it will be forwarded to the Commission for review.



## **COURTESY OF THE FLOOR**

George Polak gave the Commission members information regarding being a resident stating he is a United States of America National.

Phillip Malitsch stated they were investigating a property North of the school on Friedenstahl Avenue in a NC zone (R5 zone regulations would be followed for residential use). He would like to know if the Commission would consider a greater density than is allowed, possibly an overlay. 55 apartments are allowed on the nine acres with 60% dedicated open space. Would need 150 apartments to make it viable. Would like some feed back before we proceed any further with investigation of doing the project. Pamela Berlew asked what they are looking to do? Phillip replied 150 apartments. We are just thinking about it. If it is a no, we won't go any further. John Soloe stated he leans towards apartments in lieu of a Sheetz or a warehouse. Brian Sayago asked what that would look like. Phillip responded they would be garden apartments not a four or five story building. Sal replied like the apartments outside of Bath. John replied that the Commission just recommended the Comprehensive Plan that requires apartments and affordable housing. Pamela responded that open space is more important. Phillip replied they can submit ideas to see what the Commission thinks. Sean Dooley suggested including multiple access points.

Chris Holub stated he had sketch plans he received today for 121 and 125 Tatamy Road. It meets impervious coverage requirements, but parking does not. The zone is R4 looking to put in townhouses (3 unit) at 121 and a duplex (2 unit) at 125. They do not meet density or dimensional requirements. Possible variance. Scott Sylvainus replied they do not meet the hardship requirements for a variance. Can put single family homes on the lots. John Soloe stated this subdivision was done not too long ago. Chris replied that they think if lot lines were adjusted, they could meet the requirements. Sean Dooley replied that Penn DOT may not allow more access onto Tatamy Road. Need to look at your usable land, parking, driveways to each unit, impervious area, might need mitigation. Access would be on Cherry Street. It is an alley but usable. Addresses would be Tatamy Road. A developer is looking to buy the property from us. Need relief from density requirements. Possibly adjust the center lot lines. Scott replied 80 feet is the minimum requirement for a lot in this zone. 121 Tatamy Road could accommodate apartments without changes. Sean Dooley responded another subdivision would trigger the requirement of a major subdivision submittal. The maximum lot adjustments have been reached. Chris thanked the Commission for their input.

Pamela Berlew asked if Dublin Pub was becoming apartments. It is being posted on social media. Nothing has come before us. John Soloe replied he has not received any paperwork on that yet. There will be a Zoning Hearing on August 4, 2022, for the Scipioni property. Requesting a variance on the variance and looking to go up to 3 stories. The house of the neighbor behind the property sits right at the property line. A brief discussion ensued on the previous variance and how they were looking to developing the property.

## **ADJOURNMENT:**

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

Respectfully submitted,

Deanne Werkheiser,  
Recording Secretary

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

**Minutes of August 11, 2022**

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 11, 2022, in the Township Building.

**ROLL CALL**

The following members were present: Jay Benfield, James Campana, Kelly-Jo Smith, Scott Sylvainus, and Recording Secretary Deanne Werkheiser. Also present were Township Manager Lisa Klem. Pamela Berlew was absent.

**APPROVAL OF AGENDA**

Motion was made by Kelly-Jo Smith, seconded by James Campana to approve the August 11, 2022, meeting agenda. Motion approved unanimously.

**APPROVAL OF MINUTES**

Motion was made by James Campana, seconded by Jay Benfield to approve the July 14, 2022, meeting minutes. Motion approved unanimously.

**PRESENTATION**

Scott Sylvainus stated the review of the new Zoning Ordinance will begin. AJ Schwartz from Environmental Planning & Design (EPD) introduced himself and gave background of the company. He will be doing a PowerPoint presentation of what they will be doing and what approach will be taken. The review process will take six to eight months, with several more to go through the approval process. This will be a full update of the Zoning Ordinance. Zoning is the way to shape your community to how you want it to be. The adoption of the Nazareth Comprehensive Plan has started this process. We will go over what we know needs to be changed, what needs updated, etc. Have started working on this with Lisa Klem.

EPD is currently working with Lower Nazareth Township and Chapman Borough. The Comprehensive Plan allows sharing of land use without having to share zoning. This is allowed by the MPC. Regional decisions will need to be made between partners and legal agreement for those involved. Certain items should be taken care of by each municipality, like protected uses such as the Fair Housing Act uses – group homes, halfway houses, etc. Other uses can be shared. Shared definitions are important. That will be worked on together. Lower Nazareth and Upper Nazareth have many similar definitions. Will make suggestions and update accordingly. Municipalities are trying not to lose their identity because of growth in the area.

AJ explained transect, which is used to layout topography so that you can see where everything is and see what the landscape can accommodate. Lower Nazareth is doing zoning transect to update maps to address where they want to be versus what current zoning map allows. This can help address issues that happen because of changing ideas for land use/size over the years, which creates nonconforming uses. This would help in areas like East Lawn Gardens.

AJ showed a map of current nonconforming lots. This helps address specific areas that are all nonconforming. He showed a map of Lower Nazareth and Upper Nazareth together. He stated it would be helpful to blend the two together, makes it easier to share uses in some areas. This would be comprehensive rezoning. Will require public hearings and meetings. AJ stated that we may need to reach out to certain landowners if there are going to be changes.

A discussion ensued regarding land uses, variances, grandfathering, map changes, and text changes for uses. AJ stated he will need a list of variances granted.

AJ explained designated growth areas, areas that development will mostly happen. A brief discussion ensued regarding sewer and water and growth in areas that have sewer and water. AJ requested a copy of the Townships Act 537 Plan. Types of uses were discussed- residential, non-residential, industrial, etc. AJ stated we need to be realistic for the future, need a good balance to be financially viable.

A discussion ensued regarding where the Commission wants to see uses, what changes are needed, and what is needed for specific areas. AJ asked if there were specific process for rezoning. This should be part of the Zoning Ordinance. Government services, land uses, and access management were discussed. This would allow for say high traffic uses versus low traffic uses as an example.

AJ suggested updating the SALDO once the Zoning Ordinance is closer to adoption so that the match. Overlay districts and their uses were discussed. Scott Sylvainus asked what do we need to prepare for, what is the next thing coming? AJ responded it is hard to predict. He explained parachute uses and creative wording for uses.

A brief discussion ensued regarding the need for flexibility in uses, AJ gave the example of conversion of existing commercial to residential if that use collapse.

Open Space was briefly discussed.

AJ stated meeting monthly will be necessary as we move forward. He will coordinate with Lisa. Some meetings will be longer than others. He will send exhibits out ahead of time so they can be reviewed prior to meetings. Starting the meetings earlier was discussed as a possibility when necessary.

AJ stated a website will be set up so that documents and information can be reviewed and submitted. This will be available soon. He will be sending a questionnaire for land uses. This will need to be completed by all the Commission members, so we know what everyone's thoughts are. Special meetings with Lower Nazareth Township may be necessary

#### **NEWBUSINESS**

Scott Sylvainus stated there was nothing at this time.

#### **OLD BUSINESS:**

Scott Sylvainus stated there was nothing at this time.

#### **COURTESY OF THE FLOOR**

None.

#### **ADJOURNMENT:**

Motion was made by James Campana, seconded by Kelly-Jo Smith to adjourn the meeting at 9:00 p.m. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser,  
Recording Secretary

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

**Minutes of September 8, 2022**

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Vice-Chairwoman Pamela Berlew at 6:50 p.m. on Thursday, September 8, 2022, in the Township Building.

**ROLL CALL**

The following members were present: Jay Benfield, Pamela Berlew, Kelly-Jo Smith, Zoning Officer John Soloe, and Recording Secretary Deanne Werkheiser. Also present were Township Manager Lisa Klem. James Campana and Scott Sylvainus were absent.

**APPROVAL OF AGENDA**

Motion was made by Jay Benfield, seconded by Kelly-Jo Smith to approve the September 8, 2022, meeting agenda. Motion approved unanimously.

**APPROVAL OF MINUTES**

Motion was made by Kelly-Jo Smith, seconded by Jay Benfield to approve the August 11, 2022, meeting minutes. Motion approved unanimously.

**PRESENTATION**

AJ Schwartz from Environmental Planning & Design (EPD) distributed agendas for this evening's presentation. He will be doing a PowerPoint presentation, which will be sent to the members for reference. AJ gave a recap of what was discussed at the August meeting. He will be giving a homework assignment to the members. AJ reviewed shared districts. Chapman, Lower Nazareth, and Upper Nazareth, through the Multi-municipal Comprehensive Plan, are allowed regional land use sharing. Agreements will be needed, and all uses must be covered per the MPC. Some of this will be part of the homework assignment. Looking for needs and challenges. He does suggest sharing zoning districts for commonality. A comparison map was done with Lower Nazareth. This will be shown and discussed further. EDP did an audit, a technical review of the Zoning Ordinance and definitions.

Zoning Transect- AJ explained how the transect is done, basically a cross section through the landscape. It looks at the actual land- hills, valleys, etc. as well as where development has happened. This gives you a better idea of where it should be based on the actual topography.

AJ reviewed the Transect Districts (TD) one through eleven, with one being fields- low density and eleven being manufacturing, extraction- high density. Of the eleven districts, Upper Nazareth currently has eight- agricultural, low density residential, medium density residential, rural residential, neighborhood, small scale industrial, distribution, and manufacturing and extraction. Your homework assignment will be what you want in the districts. AJ showed areas in the Township that are in the TD. He discussed overlays, rural resource overlay and designated growth overlay. The committee needs to decide where and what you want for the community; what areas to develop and what areas to preserve. John Soloe asked if the definitions will be the same throughout all three municipalities. AJ responded no; they are not required to be but there are a lot of similarities.

AJ showed maps of Upper and Lower Nazareth together with their zoning districts. He showed a map of current non-conforming residential lots. There are 2,442 lots in the Township, 870 are non-conforming residential lots. He showed a map of active agriculture broken down by percentage- 60%+ to 0%.

AJ stated they have looked at the act 557 map for water and sewer. This will help with decide where future growth should go. Industrial growth would go where active industrial is. If areas are zoned correctly, it would greatly reduce non-conforming lots considerably. A brief discussion ensued regarding current areas and possible changes, such as quarries and mineral extraction. AJ stated the land may be owned by a quarry but is being used for farming. May require changes now that will require the owner to ask for zoning use changes at a later time. Overlay areas designate growth and protected areas. Currently there are no growth control mechanisms. Overlays would help institute some. There are no guarantees that uses will stay the same over the years. It could be set up that public financing within growth areas for water and sewer but not in rural areas. The property owner would have to cover the costs.

Currently Upper Nazareth is more residential tax based. Lower Nazareth is more non-residential tax based. The two sides of the Township are quite different. Overlays help to manage the density not the zoning district. Overlays can be as inclusionary or as exclusionary as needed for the area. AJ gave an example of a farmstead area that allowed three homes on a twenty-acre lot without requiring a subdivision. Allows for a family to grow on their property and stay agricultural. To help you decide on density you need to decide what works best for you. Not all areas need overlay districts, they do not need to be consistent with zoning areas. Brian Sayago asked about high-density areas. AJ replied the committee needs to decide which areas work best for that. A brief discussion ensued regarding the old dump area, the Holy Family Cemetery, Eagle's Landing, and Creekside.

AJ stated growth is necessary to maintain what you currently have. That growth needs to be placed properly. A discussion ensued regarding taxes, amenities, and how they get paid for. School taxes far outweigh Municipal taxes. Residents do not want high taxes. EIT needs to be factored into your tax base income. Strategic planning is required for municipalities to stay afloat.

AJ stated that a link will be sent for a portal that will take you to the database. It has all the districts. It will ask what you think should be allowed in each district. All members will need to register. AJ showed examples of what the site looks like and what will be asked. They don't have to be done all at once. This will then be used as a guide for appropriate land uses. He reviewed how to navigate the data base. He would like to see this done in the next two weeks.

AJ gave examples of land uses that can be shared. He suggested that they think of what they have and what they do not want. A brief discussion ensued about the Comprehensive Plan and members versus shared usage between Chapman, Lower Nazareth, and Upper Nazareth. Would be easier if all of the COG was involved. Every community will need group homes. Pamela Berlew responded that we do currently have them.

AJ stated that we may need to have a joint meeting with Chapman and Lower Nazareth in October. An ICA will need to be in place. Gary Asteak should be working on that.

### **NEW BUSINESS**

Pamela Berlew stated there was nothing at this time.

### **OLD BUSINESS**

Pamela Berlew stated there was nothing at this time.

### **COURTESY OF THE FLOOR**

George Polak distributed notices of his status change to American State National, to the members.

### **ADJOURNMENT**

Motion was made by Jay Benfield, seconded by Kelly-Jo Smith to adjourn the meeting at 8:45 p.m. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser,  
Recording Secretary

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

**Minutes of November 10, 2022**

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 10, 2022, in the Township Building. The meeting was live streamed to allow for virtual attendance.

**ROLL CALL**

The following members were present: Jay Benfield, Scott Sylvainus, Kelly-Jo Smith (virtually), Zoning Officer John Soloe, and Recording Secretary Deanne Werkheiser. Also present were Township Manager Lisa Klem (virtually) and Township Engineer Sean Dooley. James Campana and Pamela Berlew were absent.

**APPROVAL OF AGENDA**

Motion was made by Jay Benfield, seconded by Scott Sylvainus to approve the November 10, 2022, meeting agenda. Motion approved unanimously.

**APPROVAL OF MINUTES**

Motion was made by Jay Benfield, seconded by Kelly-Jo Smith to approve the September 8, 2022, meeting minutes. Motion approved unanimously.

**NEW BUSINESS**

MorningStar Senior Living conditional use application review. Attorney Ted Lewis and Engineer Chris Brown were present. Ted Lewis stated the Miranda property, 191 Biel Avenue was acquired. The sale is complete. Currently a single-family home. The home would be demolished in order to erect two homes in its place. Would access the existing internal road structure. The total units would still be less than was approved. Chris brown stated the original design included for the possible future purchase of the two properties on Biel Avenue. The two additional cottages would be part of phase 5 & 6. There is adequate frontage on Freedom Circle and adequate stormwater capacity. A plan amendment will be done if approved. No other changes to the project. Chris displayed map of the project.

Sean Dooley stated he had no objections as this was anticipated in the original plan. It also takes a driveway off of Biel Avenue. John Soloe stated he had no comment. Lisa Klem stated she had no questions. No comments from the audience. Kelly- Jo Smith and Jay Benfield had no questions. Scott Sylvainus asked what they would do if they get the last lot that is still privately owned? Chris Browns responded possibly one cottage or open space or continuation of the trail.

Motion was made by Jay Benfield, seconded by Kelly-Jo Smith to recommend approval of the Conditional Use application per Keystone's October 12, 2022, letter. Motion approved unanimously.

Scenic View Estates III streetlight layout plan modification. Jim Chrin was present for Kay Builders. Jim Chrin stated they have modified the streetlights from 26 to four. The plans have been revised and submitted. Residents (of Scenic View Estates III) were notified of this meeting.

Sean Dooley stated this was looked at before. Would amend approved plans. He has no objections as it is in the townships best interest. Have we received any resident comments? Not that we are aware of. John Soloe stated that 26 is high but four seems too low. He stated he is not sure what infrastructure was put in place for this. Jim responded that he just

recently took over this project. Sean Dooley stated we went with precedent, with previous developments. Resident Robert Cooperman, Danbury Drive, stated it is mostly young families in the area. Lighting is a deterrent of crime. He stated may need more than four lights at the corners. He asked when work would start. Jim Chrin replied next year. We still need permits with the electric company, etc. Robert asked what the cost would be to the residents. Sean Dooley responded the cost would be paid through the municipality not the HOA. Resident Brian Sayago asked to look at the map. The original plan was approved with 26 streetlights. What warrants the substantial reduction? Sean Dooley responded it came from internal review and precedent. Brian responded but what warrants the reduction, what is the standard? Scott Sylvainus replied that there are 31 houses in the development that is an excessive amount of lights almost one per lot. He questioned if it made sense to add several more lights.

Jay Benfield asked what is the distance between lights in the original plan? Sean Dooley responded approximately 100 feet. The original plan called for colonial lighting. Scott Sylvainus stated the long stretch of road is about 1,500 feet. What type of light is being proposed. Jim Chrin replied LED. Sean Dooley stated that urban street lighting depends on what is being required. We asked internally. Why the need for that many lights? It varies by area. Areas being lit are based on vehicular safety. Rural lighting and urban lighting vary. Lisa Klem had no questions. Jay Benfield stated he understands the need for lighting throughout and for at intersections. What is the grade, the steeper areas, is it lit? Sean replied at the intersections, curve, and pumping station. This has been our standard. Kelly-Jo Smith commented that it is a big jump from 26 to four. She stated she is having a hard time hearing the discussion. Scott Sylvainus explained the original plan, with a light approximately every 125 feet. The township has always required lights at intersections and for vehicular safety, not to the amount originally proposed. The development below them has the same set up as what is being proposed. He stated he is not sure that there are any in the Bushkill Township portion of the development. The plan would cut down on having a light in almost every lot. There are no sidewalks in the development. Kelly-Jo responded we do not need more light pollution.

Jim Chrin asked for recommendation of approval per Keystones review letter. A brief discussion ensued on what streetlighting infrastructure is in place and that there is no lighting in the Bushkill section of the project. Lisa Klem asked Jim how difficult it would be to add additional lights if four is found to be insufficient. Jim replied it is better to decide now since we have to work with the power company to decide if there is sufficient power. Scott Sylvainus suggested adding one to three more lights. John Soloe suggested staggering in an additional four more lights on the opposite side of the road John marked on the plan his suggested locations. A brief discussion ensued over types and length of streetlights and distances they will cover, as well as creating hot spots.

Brian Sayago asked if residents were queried? Jim Chrin responded that certified letters were sent. They were directed to contact the municipality. Brian responded the engineer should present what is best and what the coverage is. Sean Dooley replied that 26 lights would be considered pedestrian lighting. Four lights would be considered vehicular lighting. We need to set the standard for what we want from them. The Township has always used vehicular safety as our standard. Jim Chrin stated this issue was brought to us by the Township about a year ago. Scott Sylvainus stated that the four streetlights are based on what we have done previously, vehicular safety (for lighting). This development is not a town setting. There are no sidewalks. Sean's explanation makes sense.

Motion was made by Kelly-Jo Smith, seconded by Jay Benfield to recommend approval of the proposed streetlight layout plan modification. Motion approved unanimously.

Zoning Ordinance review. Caroline Yeagle from Environmental Planning & Design (EPD) attended the meeting virtually. She stated she works with AJ. They will be attending in person next month. Caroline stated that since the last discussion with Lower Nazareth, they have met with Chapman. They will be meeting with Lower Nazareth next week. All three are in step.

She would like to highlight a few sections in the presentation, which everyone received prior to the meeting. In the draft land uses table, Upper Nazareth has 11 uses that are distinct from the other two municipalities. All together there are 31 distinct uses. Caroline showed a map of the municipalities. She asked if there were any questions from the last meeting? There were none.

Currently updating definitions. If not permitted uses by right, they would be special exceptions or conditional use? Caroline explained that special exceptions would go before the Zoning Hearing Board. Conditional use would go before Planning Commission and the Board of Supervisors. Scott asked for any example. Caroline gave medical Marijuana grower as an example. Would this be special exception, going before the Zoning Hearing Board, or conditional use, going before the Planning Commission and Board of Supervisors? John Soloe replied if it is in an agricultural zone then it is allowed. If it

is in a building, then it is a different story. Not concerned with internal use, concerned if the building does meet requirements for the zoning use. Caroline responded the criteria is about arrangement and impact on the district not on the internal use. John replied yes, that is correct. Caroline asked if there was a list of general provisions that are most important, ranked from the most to least important, an example would be lighting, what is the most important for conditional uses that would come before you? Scott and John replied they are pretty equal across the board. Caroline asked if there needs to be a land development plan with conditional use. John replied yes. She asked what would need to be included. John replied there is a list of eight items in the current ordinance. Caroline stated those will be retained in the update.

Caroline asked Lisa Klem if she would like the ordinance update to come all at once or in components? John suggested all at once so we can see it working together. The sooner we get the definitions the better. That will probably be the biggest changes.

Caroline asked if they would like tracked changes as well as a clean copy? Scott replied yes. Caroline responded that she would share both with instructions so that everyone can be prepared for the December meeting. There will be another joint discussion in December or January.

Brian Sayago stated he had two questions. Can we get copies of today's slides? Caroline responded yes; she will send them to Lisa. Brian stated he attended a PSATS meeting. At one of the sessions, an urban planner made a statement that there was a responsibility to increase our housing. Do you share the opinion that we need to increase our housing stock? Caroline questioned if it was about quantity or having varying options? She did not know if it is an obligation to the state as a whole since different areas need different things. Increasing the types of housing has been discussed and is being addressed in this effort. If you increase the quantity, do you have the infrastructure to support it. Caroline asked Brian to send her the information he had regarding this subject since she knew of no state requirement for this. Scott Sylvainus responded that seems opposite of fairness to other uses. Caroline replied that he is correct. There is an understanding of balance within a community. Brian stated he just would like to know what the rules are. The MPC sets them. Caroline stated it will come down to what a community can accommodate. There needs to be a balance and community character. Caroline reviewed the next steps in the process. She has an upcoming review with Lisa Klem. The draft will be forwarded. At the December meeting, the draft will be reviewed and discussed.

### **OLD BUSINESS**

Scott Sylvainus stated there was nothing at this time.

### **COURTESY OF THE FLOOR**

Scott Sylvainus stated there was nothing at this time.

### **ADJOURNMENT**

Motion was made by Jay Benfield, seconded by Kelly-Jo Smith to adjourn the meeting at 8:40 p.m. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser,  
Recording Secretary



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

**Minutes of December 8, 2022**

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 8, 2022, in the Township Building. The meeting was live streamed to allow for virtual attendance.

**ROLL CALL**

The following members were present: Jay Benfield, Pamela Berlew, James Campana, Kelly-Jo Smith, Scott Sylvainus, Zoning Officer John Soloe, and Recording Secretary Deanne Werkheiser. Also present were Township Manager Lisa Klem (virtually) and Supervisors Robert Disbrow (virtually), Kristin Mullen, and Brian Sayago.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Motion was made by Kelly-Jo Smith, seconded by Jay Benfield to approve the November 10, 2022, meeting minutes. Motion approved. Pamela Berlew abstained.

**NEW BUSINESS**

Zoning Ordinance review. Carolyn Yagle from Environmental Planning & Design (EPD) attended the meeting. She stated progress has been made. Currently putting draft documents together. She will share the link for the draft documents for further review.

Carolyn went over the agenda for tonight's meeting. Rural resources and overlay areas were previously discussed for the map. Open space calculations need to be worked on, need more clarification. Land use discussion will help with updates- i.e., accessory, permitted uses, etc. There have been changes to the Planning Code since the Township last updated the Ordinance. There will be another assignment for the members to complete.

Carolyn stated Chapman Borough is moving along with their Ordinance. EPD will be meeting with Lower Nazareth on December 19, 2022.

The rural resource area overlay map was displayed. It is based on the current zoning map. It takes into account infrastructure and future growth areas. Conservation criteria was used. Carolyn reviewed different strategies for open space, farmland, densities, and subdivision patterns. Three potential strategies were given they can be layered. Scott Sylvainus asked about conservation easements. Carolyn gave an example of open space easements between developments to give larger, more useful areas. She gave several examples for residential and non-residential developments.

Accessory uses were discussed for agricultural areas, inter-connected uses. Farmland and a Bed and Breakfast. The Bed and Breakfast would be an accessory use. Use is not in contrast with the area.

Brian Sayago stated he has a list of the parcels that are over ten acres. There are approximately 50, that the EAC wants to reach out to. He would like to know what will happen to these specific parcels, would help him to understand. Carolyn

responded that we have been looking at existing and potential zoning areas. There will be three general characteristics- residential, non-residential, and agricultural. Scott stated the draft will help us to see what is proposed. Right now, more concepts. It will be easier once everything is put together for us to review.

Carolyn stated an exhibit will be put together that will show what has been done so far. Scott stated we are on the outline phase right now. Carolyn stated there are 31 uses. 11 are from Upper Nazareth. The rest are with Lower Nazareth and Chapman. Carolyn asked Brian what he was looking for specifically. Brian replied he wants to see where we are going. Carolyn stated an important part is the criteria for rezoning requests. There will be an updated map. You will have applications for rezoning. You will need to know what information will be needed, is it in sync with what can be in an area, etc. Will need logical steps and what is needed for analysis. Your concepts and what is envisioned for the future are needed. You needed to be prepared for future ideas of growth. A brief discussion ensued on current zones.

Pamela Berlew that Zoning Ordinances are meant for future growth, sadly, not for preservation. Carolyn stated that is true and that is why you need to look at the established character, topography, infrastructure, etc. A brief discussion ensued on minimum density for lots and what character is wanted to be maintained.

Carolyn stated that under general regulations, there are several other additional topics to consider. Temporary uses, event rentals, urban agriculture, accessory structures, etc. Parking requirements may need to be adjusted for certain uses.

John Soloe suggested looking at parking requirements for single family homes. The number of cars per family has changed. He gave examples of issues that need to be looked at i.e., company vehicles with advertising on them. Are they considered signs? Signage and what constitutes signage was briefly discussed. Carolyn stated these are the things that need to be looked at and decided on.

Definitions were discussed and how they will be shared with the other two municipalities. John Soloe stated we need to look at the difference between a warehouse, distribution center, and truck terminal. Scott Sylvainus asked what do we need to know about for the future? What is coming in 10 to 15 years? A brief discussion ensued. Carolyn will get some definitions that may be needed, including other uses that will be within the other municipalities but not in this municipality.

Carolyn stated that uses go with the colors on the map. If use is not in that color zone, then it has to be a zoning change. The zoning change criteria would help with what can or cannot be allowed.

A brief discussion ensued on solar and wind systems.

Carolyn stated the land use table link is being shared with members. Definitions will be in two groups, land use and other definitions- front yard, side yard, etc.

A red line version of the draft will be available as we go through the review process. Pamela Berlew asked if we will be provided a list of uses permitted in the other municipalities. Carolyn replied yes, it will be provided. A list of all uses will be in the final version.

Carolyn stated she will share tonight's pdf and the link to the table. They will attend the January meeting and continue to work with all three municipalities through the winter and spring. Carolyn reviewed the next steps- LVPC, Solicitor review, public hearing, etc. The members thanked Carolyn.

The members have plans from Moravian Hall Square that will be on January's agenda. These will be based on the Conditional Use hearing outcome, which is being held on December 21, 2022.

### **OLD BUSINESS**

Scott Sylvainus stated there was nothing at this time.

### **COURTESY OF THE FLOOR**

George Polak distributed notices to the members regarding trustees and causing no harm.

Submission deadline for January is December 22, 2022, at 12:00 PM.

## **ADJOURNMENT**

Motion was made by Pamela Berlew, seconded by Kelly-Jo Smith to adjourn the meeting at 8:40 p.m. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser,  
Recording Secretary