

Chairman Larry Geiger called the 510th meeting of the Lowhill Township Planning Commission to order on April 25, 2022 at 7:00 p.m. The meeting was held in person at the Fogelsville Volunteer Fire Company and on ZOOM due to the COVID-19 pandemic. Members: Larry Geiger, Stephen Lear, Kevin Bubbenmoyer, Barry Betz, Preston Nelson, John Casciano, Mike Divers, Zoning Officer Brian Carl, Attorney Keith Strohl and Engineer Ryan Christman participated in person. The meeting was advertised and operated in accordance with Act 15. The 509th minutes were approved as submitted. Motion carried. Stephen Lear made a motion, seconded by Barry Betz to accept the plan for review. Motion carried.

2951 Betz – Land Development – Preliminary Plan Dated 3/14/2022

2951 Betz Court, Orefield PA

Attorney Blake Marles of Stevens & Lee, Fred Ferraro, V.P. of Development –CRG, Josh Hoffman, P.E. a Division of Pennoni (Design Engineer) and Benjamin Guthrie (Traffic Planning & Design, Inc.) attended the meeting and presented the plan. The applicant is proposing a 299,880 square foot, single sided commercial warehouse/distribution center on 51.3 acres, with associated parking, trailer storage spaces and storm water management. A significant amount of the land is in the steep slope area and only approximately 26% of the land will be developed.

Brian Carl reviewed his comment letter dated 4/25/2022 with the Board and the Applicant. Ryan Christman reviewed his comment letter date 4/21/2022. Due to the amount and magnitude of the comments, Keystone Consulting Engineering and the Zoning Officer reserve the right to make additional comments as additional information is submitted.

Benjamin Guthrie (Traffic Planning & Design, Inc.) showed a design concept of the intersection of Kernsville Road and Route 100 as well as improvements at Kernsville Road and Betz Court. They have now had the opportunity to actually survey the intersection and will be making changes accordingly in their next draft. They anticipate that proposed improvements will fit within existing R.O.W.

Steve Lehr questioned the traffic light timing at the intersection of Kernsville Road and Route 100. It seems that either way you look at it traffic will be damned up at a red light. Ryan stated that the Township's concerns were expressed to PennDOT but that we have not received any comments back from PennDOT yet. The Township requested additional length of turning lanes on Kernsville Road and Claussville Road as well as the addition of advance left turn arrows.

Linda Mohr (3396 Masters Hill Road) expressed her concerns regarding the intersection of Rt. 100 and Mohr Lane. She would like the truck traffic to have their own lanes going north and south on Rt. 100 so that regular traffic can proceed. Mr. Marles stated that they are waiting for the comments from PennDOT to comply with their requirements/improvements.

Bernetta Dougert (2865 Tycolia Court) discussed traffic flow out of Betz Court and at the intersection of Rt. 100 and Kernsville Road. PennDOT numbers need to be updated since the last one was in 2020. Ben stated that traffic counts were done in October 2021 and February 2022 during peak hours from 6-9 am and 3pm – 6pm and that data is reflected in the report that was required by PennDOT.

Charles Hardy – (2908 Betz Court) stated that he is concerned with truck traffic pulling out of Betz Court onto Kernsville Road and the safety of his employees.. He owns the corner property at the entrance of Betz Court and he doesn't think tractor trailers can make that turn.

Joseph Howard – (2872 Tycolia Court) asked who is responsible for the tractor trailers taking out the signs? Brian stated that they would probably request a one-time donation to recover sign replacements.

Kim Weinberg – (8802 Claussville Road) invited anyone to come to her house and see how many tractor trailers go by her house. This is a residential area and the roads can't take it. "You picked the wrong area."

Hillary Harrison – (3943 Whitetail Court) asked if we have a say if these warehouses become a 24/7 operation? Who is paying for the law enforcement for these additional problems that truck traffic brings? Who do we have to speak to in order to get an air quality test done for the Lehigh Valley because the air quality is extremely bad? It's not good for the people here.

Brian Carl addressed Hillary Harrison's question as to how we change these laws in order to say "No" to these projects. Residents have to contact the State Legislators to change the Municipal Planning Code. PennDOT also has rules and regulations that they have to follow. He explained the Multi-Municipal Plan that Lowhill Township is a part of which has helped limit development within the Township.

Catherine Odom – (2226 Overlook Lane) expressed her concerns regarding the intersection of Rt. 100 and Mohr Lane.

Kathleen Kerr – (8108 Lark Street) expressed her concerns regarding truck traffic at the intersection of Rt.100 and Mohr Lane. "Truck traffic backs up at this intersection because of the hill."

Bernetta Dougert - (2865 Tycolia Court) stated that this will get worse when the 600 homes are completed behind Weis in Upper Macungie Township.

Joseph Tursi - (7625 Pony Road) is concerned about the prevailing wind with diesel fuel smell and noise pollution.

Annette Dadura – (7281 Farrier Road) is concerned about how this taxes our EMS and Fire Department.

Terry Lenhart (6616 Kernsville Road) expressed concerns with the intersection of Kernsville Road and Rt.309. The intersection cannot accommodate trucks turning onto Rt.309 from Kernsville Road.

Lori Ann Wukitsch (2454 Apple Road) stated that she wanted to know the solicitor for the Zoning Hearing Board and wanted to know how the height variance was granted. Larry Geiger stated that residents within 200 feet were notified the notice was advertised and the properties were posted. Brian addressed her questions with regards to legal counsel representation as well as the process of how the meetings are conducted.

Marylee Zart (7234 Kernsville Road) expressed her concerns with the entrance to Betz Court and truck traffic when they turn onto this road and believes the truck traffic is unsafe. The intersection isn't wide enough. Also the timing of the light at Rt.100 and Kernsville Road would have to be adjusted.

Debbie Keba (3967 Windy Road) questioned one of the comments on Brian's review regarding truck parking. She is concerned with trucks idling when they arrive early. She is concerned about air pollution and noise pollution. She wanted to know who requires the traffic study's to be done. Brian stated that the Township and PennDOT requires the traffic studies. Why don't we require an air pollution study and a noise pollution study? Can the traffic study be posted on the website so that we can look at them? Brian stated that he can see if they can be posted on the website shortly. Residents are welcome to view all documents Monday – Friday 8am-4pm at the Township office.

Sue McGorry (7453 Skytop Court) – ZOOM - expressed her concern with the traffic study and the outdated data. She would like to have Windy Road and Route 100 as well as Mohr Lane and Route 100 included in the traffic study. She would like to see the safety study regarding these intersections included in the data as well.

John Casciano – Planning Commission Member – asked the developer about the water supply for the (3) warehouses. Mr. Marles responded stating that LCA will be supplying the water for all (3) warehouses. The cost will be shared by the warehouses, a contract between the (3) warehouses will be done but has not been facilitated yet because it is early in the planning stages.

Greg Snyder (7477 Autumn Road) asked if all (3) warehouses are on public water. Larry Geiger stated that this is correct. Blake Marles stated that the designed isn't finished but they believe the water line will stay in the public right-of-way the entire way from Beechwood Street.

Any comments from residents should be sent to Rick Hughes or the Township Office to be forwarded to PennDOT and LVPC within the next 2 weeks.

Stephen Lear made a motion to table the plan due to all the outstanding items, seconded by Barry Betz. Motion carried.

(7503 Kernsville Road, Orefield)

Attorney Joseph A. Fitzpatrick, Jr of Fitzpatrick Lentz & Bubba, P.C. Paul Pontius of Core5, Adam Davis, B.L. Company and Craig Mellott (Traffic Planning & Design, Inc.) attended the meeting and presented the plan. Mr. Fitzpatrick spoke to the residents and the Board that this proposed distribution center/warehouse has been significantly reduced to about 105,000 sqft. building on about 10% of the 21.6 acre parcel. He respects the resident's comments but the fact of the matter is the land is zoned for the use and if it wasn't for this company it would be another. To Lowhill Township's credit there is not a lot of land that permits this type of use.

Brian Carl reviewed his comment letter dated 4/21/2022 with the Board and the Applicant. The developer is proposing a lot consolidation that requires a minor subdivision to be recorded prior to the land development plan. Ryan Christman reviewed his comment letter date 4/22/2022. The developer is requesting a waiver (letter dated 4/8/22) from installing sidewalks (Section 4.708) and from improving Orchard Road (Section 4.700) as they do not intend to utilize this road and would prefer to have it remain rural to prevent truck traffic. Due to the amount and magnitude of the comments, Keystone Consulting Engineering and the Zoning Officer reserve the right to make additional comments as additional information is submitted.

Motion was made by Preston Nelson to inform the Board of Supervisors that the Planning Commission does not recommend approval of the waiver request (section 4.708) regarding the installation of sidewalks, seconded by Mike Divers. Motion carried.

Motion was made by Mike Divers to inform the Board of Supervisors that the Planning Commission does not recommend approval of the waiver request (Section 4.700) regarding the improvement to Orchard Road, seconded by John Casciano. Motion carried.

Kim Weinberg (8802 Claussville Road) expressed her concerns regarding trucks traveling on Claussville Road even though it states no truck traffic. She still sees trucks traveling on Claussville Road to get to 78.

Catherine Odom (2226 Overlook Court) questions why they don't just use the empty warehouse in Upper Macungie? The applicant (Paul Pontius) addressed this comment by stating that they don't usually acquire buildings and the way e-commerce is going the ceiling heights in these vacant warehouses tend to have low ceilings and is not conducive to the current racking systems and equipment used.

Bernetta Dougert (2865 Tycolia Court) stated she would like to see the proposed distance on the turning lanes on Kernsville Road. Larry Geiger stated that this information will be coming from PennDOT and we have not received that as of yet.

Linda Mohr (3396 Masters Hill Road) expressed her concerns that Claussville Road and Lyon Valley Road are both posted "NO TRACTOR TRAILERS" and the signs are not working. They are still on those roads.

Hillary Harrison (3943 Whitetail Court) asked if we could request an escrow from the tenants of the warehouse to fund adequate police coverage for safety? She also asked where the trucks will be when they arrive early to the site. Larry Geiger answered that the truck parking will be addressed on the next revised plans.

Terry Lenhart (6616 Kernsville Road) asked what impact do these warehouses have on the recently adopted fire tax. Will this tax increase due to the proposed warehouses? Brian stated that the last increase in your local taxes for Lowhill Township was in 1982. The Board has really held the line on increases over the years. The warehouses will be paying their share of taxes since the real estate tax and fire tax are based on your assessed value. The warehouses will actually be contributing significantly to the fire tax. His second question was regarding the soil testing because the site was previously an apple orchard. The applicant stated that the soil was tested as part of their requirements and the data was given to LCCD.

Joseph Howard (2872 Tycolia Court) where does the REC money go? Brian stated that it goes to Northwestern REC Fields because Lowhill does not have its own park.

Andre Fernandes (6651 Erika Circle) when they do their fire suppression studies can we have them include the other (2) warehouse in case they are all burning at once. Brian stated that the other 2 warehouse have proposed on site

water tanks in order to sustain their fire flow. The warehouses have state building codes to meet for fire suppression system.

Janet Kuhns (7176 Farrier Road) what district are warehouse/distribution centers allowed. Brian explained that that Lowhill Township only has (3) zoning district and this use is permitted in the RV district of Lowhill Township which covers the area on Route 100 from approximately Kressley's to East Penn Storage and on Claussville Road from the bank to just beyond Leather Corner Post on Kernsville Road.

John Kleinschuster (8783 Wertman Road) is there some way to prohibit certain types of storage that are in these warehouses? Brian stated that zoning prohibits flammable/explosive materials. The types of storage are addressed when they apply for building permits and fire suppression systems.

Debra Keba (3967 Windy Road) is there additional funding for fire department for training in order to fight fires at large warehouses. Is there anything being done regarding the traffic patterns and parents dropping off kids at the daycare across the street. Brian stated that this warehouse is in the Fogelsville Fire Company district that covers a large part of Upper Macungie Township. The proposed warehouses in Lowhill Township max out at 50' in height. The typical residential home being built today is 30' – 35' in height.

Ann (Claussville Road) ZOOM – statement that the signs do not work on Claussville Road. Trucks are still on this road.

Joanne Mertz (7030 Windy Road) expressed her concerns regarding the truck traffic on all the roads. There is nowhere for them to turn around once they are on the road. The roads are windy and they are just not built for tractor trailers. No traffic study is going to show the safety of our residents on the roads with these tractor trailers.

Scott Kleinschuster (2865 Tycolia Court) asked which email we should use in order to send our concerns to.

Greg Snyder (7477 Autumn Road) stated that the Zoning Hearing Board made the decision to have warehouses here when it was before them regarding the height restriction. The time to stop these warehouses has passed. Brian stated that the Zoning Hearing Board acted in accordance to the rules and regulations of the M.P.C. and Lowhill Township's zoning ordinance with the direction from the Zoning Hearing Board solicitor. We discussed this at the last meeting in length. Greg Snyder stated that they could have gone in another direction with curative amendment and not a variance. Brian stated that a lot of you were there at that ZHB meeting where the solicitor explained the decision and the appeal process. The time to appeal that decision has passed months ago.

Debra Keba (3967 Windy Road) is it true that the properties haven't been sold to the developers yet and the sales are contingent on these development plans being passed. Brian stated that no property transferred have come through our office yet.

Christine Dion (8053 Wertman Road) stated that she spoke to Bob Corby from DEP and he had no knowledge of the proposed warehouses in Lowhill Township. Brian stated that Bob Corby only does the sewer modules and that the developers are not that far along in the process yet. She asked if this warehouse is preparing for the future with regards to electric trucks or plug-in for trucks. She also questioned if the pond in the back of this property is being disturbed. The pond is not being disturbed. Is there a minimum distance that the traffic study has to include? This would be decided by PennDOT. She also questioned if the developers have to do an air pollution test and is that a Township requirement. Brian stated that he was unaware of any state or local requirements for air studies for warehousing.

Motion was made by John Casciano, seconded by Kevin Bubbenmoyer to table the plan. Motion carried. Motion made by John Casciano, seconded by Stephen Lear to adjourn the meeting at 9:23. Motion carried.

Next Meeting Date is tentatively – **Monday, May 23, 2022.**

Respectfully submitted,

Janet L. Henritz
Recording Secretary