

Chairman Larry Geiger called the 514th meeting of the Lowhill Township Planning Commission to order on August 29, 2022 at 7:00 pm. The meeting was held in person at the Fogelsville Volunteer Fire Company and on ZOOM due to the COVID-19 pandemic. Members: Larry Geiger, John Casciano, Kevin Bubbenmoyer, Barry Betz, Mike Divers, Preston Nelson, Zoning Officer Brian Carl, Attorney Keith Strohl, and Engineer Ryan Christman participated in person. Stephen Lear participated via Zoom. The meeting was advertised and operated in accordance with Act 15.

The 513th minutes were approved as submitted. Motion carried.

**Madtes Subdivision – Minor Subdivision (2 lot) Prel./Final Plan Dated 5/10/2022
(3644 Highland Road, Orefield, PA)**

Cody McCuean, JHA Companies was in attendance to present the Minor Subdivision Prel./Final Plan. The site location is 3644 Highland Road approx. 11.47 acres. The applicant is proposing a 2 lot subdivision. Ryan Christman of Keystone Consulting Engineers reviewed his comment letter dated August 26, 2022. Brian Carl, Township Zoning Officer, reviewed his comment letter dated August 29, 2022.

Stephen Lear made a motion, seconded by Mike Divers to table the plan until the applicant has on lot septic approval. Motion carried.

Planning Sewage Module – Madtes Subdivision – 3644 Highland Road, Orefield PA

Stephen Lear made a motion, seconded by Mike Divers to table the planning module until approved septic testing is completed. Motion carried.

**Core5 at Route 100 – Lot Consolidation Preliminary Plan Dated 7/8/2022
(7503 Kernsville Road, Orefield, PA)**

Attorney Joseph A. Fitzpatrick, Jr. of Fitzpatrick Lentz & Bubba, P.C. Paul Pontius of Core5, Greg Holtzman, B.L. Company and Craig Mellott (Traffic Planning & Design, Inc.) attended the meeting and presented the plan. Mr. Fitzpatrick introduced the team and stated that the proposed distribution center/warehouse is about 100,000 sqft. on a 21.6 acre parcel.

Stephen Lear addressed the Board with his thoughts on the septic test sites at 7503 Kernsville Road. He is concerned with the proximity of these test sites to the existing pond on the property. He would like to have an environmental study done on this site as well as the one on Betz Court. He feels this is going to have historical and lasting change to our Township. He also feels that these warehouses violate our nuisance ordinance. He is concerned with the Cherith Brook (stream) that runs to the Jordan Creek. He expressed concern that PennDot doesn't understand the impact these warehouses will have and is not taking into account the health, safety and welfare of our township. Stephen Lear made a motion to table this plan.

Larry Geiger asked the applicant if they have an approved sewage module for this development. The applicant stated that they have received positive feedback from the testing to achieve on lot sewer and will be moving forward with the required paperwork. Ryan Christman stated that although he is not an SEO he assured the Board that the setbacks regarding the septic test sites have been followed and have also been witnessed by D.E.P.

Larry Geiger asks the applicant if he would like to proceed with the lot consolidation since the land development plan looks like it will be tabled. Mr. Fitzpatrick stated that they would like to move forward with the lot consolidation since that is straight forward plan.

William Pleban (4806 Aziza Road) expressed concerns about what the impact of these warehouses will do to the Township. He expressed traffic concerns. He stated that the Board is here to consider the health, safety and welfare of the Township. The lot consolidation will just give them another point towards their development.

Curt Dietrich (7484 Skytop Court) Thanked the Board for their services. He also addressed the Board by stating that there is no urgency to approve the lot consolidation tonight.

Attorney Joseph A. Fitzpatrick addressed the Board as the reason Core5 is here before you is because this location is where the Lowhill Township Zoning Ordinance & Map states where industrial warehouses should go. They aren't here to twist people's arms to be here. This is a routine lot consolidation with the same owner.

Keith Strohl stating that the Board has had ample opportunity to review this lot consolidation plan that was submitted some time ago. If there is nothing that the Planning Commission sees to question the legality of the lot consolidation then it is the Planning Commissions obligation to take timely action on the plan today. Again, this is only a preliminary plan.

Terry Nagle (3039 Weidasville Road) is the purchase mandatory for this project? Attorney Joseph A. Fitzpatrick addressed the question stating that it is the same owner and is a routine lot consolidation. He also stated that it is advantageous to developing the property. Lot consolidations are a standard practices that are done all the time.

Barry Betz stated that the owners of both properties are the same. Can they do the land development without this lot consolidation? Brian stated no. All development needs to be on one lot.

John Casciano – we have done lot consolidations in the past but not to this magnitude. Maybe we need further review on this.

Brian Carl addressed the public comment order as this isn't a debate between public and applicant. This is not how we conduct meetings.

Wayne Schaeffer (3075 Weidasville Rd) can we decide this later on. It doesn't have to be done right now.

Richard Dorney (6421 Constitution Rd) so far we don't have an approved septic plan. So does combining the two lots benefit the developer to get an approved septic system. Brian stated that all facilities must be on the same lot. You can't put a septic system at a location where a house and paved parking lot was prior. The size of the system that would be needed couldn't accommodate that.

Lynn Pleban (4806 Aziza Rd) stated that she feels the job of the Planning Commission is to plan for the future of the community and we see what is before us. They need that piece of property in order to widen the road and get the trucks in and out of the facility in emergency situations.

Larry Geiger asked Ryan Christman if there are any issues with the lot consolidation. Ryan Christman stated that he sees no technical or other issues with the lot consolidation.

Mark Mooney (7448 Skytop Court) stated his concern to climate change and the fact that this will no longer be a green area once a warehouse is constructed.

Debra McDermott (6424 Game Preserve Rd) stated that this proposed warehouse vs. bare ground impacts the environment particularly the Jordan Creek. This needs careful consideration. The traffic and our way of life will be impacted.

Motion was made by Mike Divers, seconded by Stephen Lear to table the plan. Motion carried.

Individual vote was taken.
Mike Divers – Table
Stephen Lear – Table
Barry Betz – Not Table
John Casciano – Table
Kevin Bubbenmoyer – Not Table
Preston Nelson – Table

Core5 at Route 100 – Land Development – 100,569 sqft. Warehouse/Distribution Center
Revised Preliminary Plan Dated 7/8/2022 (7503 Kernsville Road, Orefield, PA)

Attorney Joseph A. Fitzpatrick addressed Attorney Keith Strohl with the question of having the Planning Commission tabling the lot consolidation. Is there a plan before you to review since the plan shows the lot consolidation? Attorney Keith Strohl agrees with Attorney Joseph A. Fitzpatrick that a review of the plan that shows a lot consolidation would be mute. Procedural questions were discussed between the attorneys.

Attorney Keith Strohl addressed the Planning Commission Board with (2) options. You could either deny the plan before you or you could table the plan.

Motion was made by Mike Divers, seconded by John Casciano to deny the review of the plan because we do not have sufficient information regarding septic testing and because the plan before us shows the lot consolidation. Motion carried.

Individual vote was taken.
Mike Divers – Deny
Stephen Lear – Deny
Barry Betz – No
John Casciano – Deny
Kevin Bubbenmoyer – Deny
Preston Nelson – Deny

Motion to adjourn the meeting was made by Barry Betz, seconded by Kevin Bubbenmoyer at 8:22 pm. Motion carried.

The next meeting is tentatively – **Monday September 26, 2022 @ the Fogelsville Fire Co.**

Respectfully submitted,

Janet L. Henritzy