

# LEHIGH TOWNSHIP PLANNING COMMISSION

Minutes of April 14, 2025

Present: Todd Rousenberger, Vice Chairman  
Bill Jones, Secretary  
Cynthia Miller  
Liz Amato, Zoning Officer  
Michael Corriere, Solicitor  
Lori Lambert, Planning & Zoning Secretary  
Mike Muffley, Township Engineer

Absent: David Shulman, Chairman  
Tim Bartlett

## CALL TO ORDER

## READING OF THE MINUTES

Bill Jones made a motion to approve the minutes and waiver the reading of the minutes from the March 10, 2025, Planning Commission meeting. Cindy Miller seconded the motion. All voted aye. Motion carried.

## ADVISORY TO ZONING HEARING BOARD

***Gap View MHC LLC, owner of 4849 Lehigh Drive, Walnutport, PA 18088, is requesting special exception approval for the expansion of an existing nonconforming use by constructing one additional pad and dimensionally conforming manufactured home within the mobile home park.***

Attorney Frank D'Amore from Fitzpatrick Lentz & Bubba and Levi Jekel, VP of Operations from Gap View Mobile Home Park were present to represent this discussion.

Attorney D'Amore stated that Gap View MHP is a mobile home community which has existed since 1961 and is a preexisting nonconformity containing 35 existing pads. In 2023, they applied to the Zoning Hearing Board (ZHB) for dimensional relief to rehab/replace the manufactured homes on 6 existing pads (5, 6, 7, 13, 14 and 16) with new homes. What they currently are requesting is to add one additional pad with a new manufactured home and is shown on the map as pad 36. They are requesting to expand the nonconformity which requires special exception approval from the ZHB and review and recommendation by the Planning Commission (PC).

Cindy Miller stated that she has heard a rumor that the Mobile Home Park is being sold. Levi Jekel stated that the residents of the community have stepped forward and have an interest in purchasing the park. Cindy Miller questions how they would maintain the park. Levi Jekel stated that the details have not been worked out at this point. Cindy Miller has a concern

with them being able to maintain the infrastructure, the roads, the septic, etc. She also has concerns with moving forward and adding another pad with a unit. She walked through this community and she was the one who filed the complaint with the Zoning Officer for the burnt down buildings on the property. She realizes that they are trying to clean up the community but if it is sold to the residents, how long is it going to stay in good condition. Attorney D'Amore stated that as a preexisting nonconformity they are entitled by the US Constitution and Commonwealth of PA to expand the nonconformity. The continued maintenance after the park is conveyed does not come into play tonight. Michael Corriere confirmed that they are entitled to request the expansion of the nonconformity.

Todd Rousenberger stated that a review letter dated April 4, 2025, has been received from the Township Sewage Enforcement Officer, Ian Stout of Keystone Consulting Engineers. Liz Amato stated that she sent Ian Stout the Township records; upgrades to the sewage system and a lot line adjustment were made in 1994. A sewage facilities planning module would be required due to the addition of a pad and a manufactured home which will generate sewage. Permits for large volume sewage systems are issued by DEP. Attorney D'Amore has been in contact with Lehigh Engineering's sewage team to see where they are at in the process of determining what would be required; it is unclear if adding another unit will affect the current system. Cindy Miller questioned why they want to add another unit if they are selling. Attorney D'Amore stated that from a practical standpoint, it makes the park more valuable.

Todd Rousenberger questioned if the ZHB approves the request, can we require it to go through SALDO review. Mike Muffley stated that he would have to do some research; mobile home parks are regulated separately, but by adding one unit he doesn't know that it would constitute a SALDO review.

Cindy Miller made a motion to send a letter to the Zoning Hearing Board that the Planning Commission does not recommend the additional unit. Bill Jones stated that he has concerns with the septic system. Bill Jones seconded the motion. All voted aye. Motion carried.

***Franklin Millheim, owner of 1165 North Cottonwood Road, Danielsville, PA 18038, is requesting special exception approval and variance relief for a new dog grooming business within an existing detached garage.***

Franklin Millheim was present to represent this request.

Franklin Millheim stated that his girlfriend previously had a dog grooming operation in Moore Township. They moved here and she would like to utilize some of the space in the existing detached garage to groom dogs. All the

requirements for a kennel are met except for the front and rear 200' setback requirement. There will be no boarding or overnight stays of animals. There may be a maximum of 3 dogs there at a time. The operation which is totally contained inside the building is a one table, one person operation. Todd Rousenberger stated that the minimum lot area for kennels is 2 acres. Franklin Millheim stated that his property is nearly 12 acres. Liz Amato stated that this is a special exception with a variance from 180-100.B, which is a variance from setback requirements. Cindy Miller stated that we are basically looking at a commercial business in the A/RR district, it's not a home occupation because it is located in a separate building. Liz Amato stated that we don't have dog grooming listed in our ordinance, she discussed the use and what it falls under with Mike Muffley. Because animals are involved, the best use to put this under is a kennel. Michael Corriere feels that the proper determination was made and the closest category would be a kennel.

A review letter dated April 10, 2025, has been received from the Township Sewage Enforcement Officer, Ian Stout of Keystone Consulting Engineers. Franklin Millheim stated that he spoke with Ian Stout prior to the meeting, the system is capable of handling the additional 200 gallons per day. Mike Muffley stated that an approval letter would need to be issued by Ian Stout to the Township for review at the Zoning Hearing Board meeting.

Cindy Miller has a concern with parking, lighting, security, the hours of operation, number of employees; this is a commercial business so we need to address these items. Mike Muffley stated that the parking requirements for a kennel are a minimum of 4 spaces, 1 per employee and 1 per every 12 animals.

Cindy Miller made a motion to send a recommendation letter to the Zoning Hearing Board recommending that the following items be addressed: an approved septic letter from the Township Sewage Enforcement Officer shall be received, a minimum of 4 parking spaces shall be provided, the hours of operation shall be set, the number of employees shall be limited to one, exterior lighting shall cover the parking areas, signage shall be in accordance with Section 180-38. Bill Jones seconded the motion. All voted aye. Motion carried.

## PLAN REVIEW

### ***Melostone Estate, Preliminary/Final Minor Subdivision Plan Expires: July 13, 2025***

Brad Rock from Lehigh Engineering and Sal Melo were present to represent this plan.

Brad Rock provided a waiver and deferral request letter dated April 14, 2025. A waiver is being requested from Section 147-9.A(5), wetlands are not identified on the plan. A deferral is being requested from Section 147-9.A(18), 21, storm drainage design plan. A deferral is being requested from Section 147-9.A(24), 14.D, 23 erosion and sediment control plan.

Brad Rock stated that this is a 5-lot minor subdivision located along Riverview Drive. The 4 lots (1 acre+) front Riverview Drive and there is a larger farmland tract to the rear. HOP's will be required for all the lots from PennDOT, applications have been submitted and are under review.

A review letter dated April 13, 2025, has been received from the Township Engineer, Mike Muffley of Hanover Engineering. Mike Muffley stated that these lots are being created with no new road. Normally the plan is reviewed for stormwater and E&S's controls; however, they are proposing empty lots. If these requirements are deferred, Mike Muffley recommends that each lot would have to get an NPDES permit and a drainage plan. Cindy Miller stated that we have issues with developers who want to defer and then we run into stormwater management issues. Mike Muffley has a concern that the buyers are not aware of the requirements. Sal Melo stated that with his previous subdivision a BMP agreement was to be recorded with the deed; the BMP agreement is a covenant that runs with each individual lot, which is enforceable by the Township.

Sal Melo stated that his intent for the property is to continue it as an ongoing farm use; Mr. Jeff Williams pays to farm this piece of property, but because the soil testing was completed pre-emptily, this year the property cannot be farmed. The property has been enrolled in Act 319. It doesn't make sense to do stormwater testing throughout the property when exact locations of the houses and driveways are not known. Should a family member in the future approach him to purchase one of the lots, it would be available. The requirements would be made known to them. Mike Muffley stated that this is a minor subdivision, the Board can grant waivers and deferrals to things that aren't customarily part of a minor subdivision. Cindy Miller questioned if it is enrolled in Act 319, why are you coming in with a minor subdivision. Sal Melo stated that because at any given time, as long as you maintain 10 acres of land, Act 319 can stay in place. Back taxes would need to be paid when acreage is taken out of the Act. He also stated that he has two children and at some point, hopes to have grandchildren and these lots would be available to them. Beyond the right-of-way, he would like to put a continuous fence from the existing home at 157 Riverview Drive running all the way east to the Williams property. On one side of the property the intent is for the land to be mowed and the other side is to farm as an orchard grass field. He would like to restore the barns on the property.

Mike Muffley stated that we don't have a use for any of the lots, we are assuming the use is residential. Liz Amato stated that the one acre lots can have an agricultural use; however, only the large lot (over 10 acres) will be considered a farm. Once a building permit is applied for, all the requirements for a single-family dwelling apply. Brad Rock stated that he will modify the statement of intent; this will remain as farmland until such time that a lot is sold and a single-family dwelling is constructed. Cindy Miller questioned the driveway that comes through between the existing garage and lot 2. Brad Rock stated that this gives Mr. Melo the ability to make a 6<sup>th</sup> lot out of the large tract in the back. The lot 1 rear property line can be continued over to the existing dwelling and make that its own lot with the barn and add a house. The flag pole entrance would allow access to the rear 10+ acres which is in Act 319. Sal Melo stated that this allows for someone to build a home, maintain the Act 319 and operate the farm. Brad Rock stated that the existing horseshoe driveway at 157 Riverview Drive; which encroaches, will be sawcut to a single driveway and the 5' setback requirement for a driveway will be maintained.

The future owner of each individual lot will need to be made aware that they are required to address the sewer, stormwater, E&S, and grading requirements. This should be added as deed restrictions, affidavits, and notes on the plan. The addresses shall be assigned. A review is required by the LVPC. The pins will be set prior to recording of the plan. A recreation fee of \$750 per unit shall be paid.

Section 147-9.A(5), waiver from identifying wetlands. Mike Muffley stated that a covenant shall be added to the plan, which holds the Township harmless. He does not object to granting the waiver request.

Cindy Miller made a motion to grant the waiver of Section 147-9.A(5), wetlands are not identified on the plan. The hold-harmless statement shall be added to the plan. Bill Jones seconded the motion. All voted aye. Motion carried.

Cindy Miller made a motion to grant the deferral request of Section 147-9.A(18), 21, from storm drainage design plan and the deferral of Section 147-9.A(24), 14.D, 23, from erosion and sediment control plan. Bill Jones seconded the motion. All voted aye. Motion carried.

This plan was tabled.

***Young & Empire Property Management LLC., 1089 Riverview Drive,  
Record Plan/Layout Plan***

Joe Sedler from Sedler Design & Redevelopment and Mahar Abdelaal from Glenwood Engineering were present to represent this plan.

A review letter dated April 4, 2025, has been received from the Township Sewage Enforcement officer, Ian Stout of Keystone Consulting Engineers. The existing drain field is to be abandoned and the proposed drain field is to be relocated to the alternate absorption area. The alternate area is encircled by the proposed parking lot.

A review letter has been received from Roger Spadt, Fire Marshal for Lehigh Township Volunteer Fire Co., No. 1. There are no comments or concerns at this time.

A review letter dated April 14, 2025, and a Notice of Violation dated September 26, 2023, has been received from the Township Engineer, Mike Muffley of Hanover Engineering.

Joe Sedler stated that this project received approval from the Board of Supervisors in February 2023, after coming back with the construction costs the property owner asked that the project be scaled back. It has been brought to their attention that the property owner has done a significant amount of earth disturbance. Cindy Miller questioned if we can shut them down; this has been going on for a year. Mike Muffley stated that the issue we have is that the plan that is in front of us does not address what is happening on the site. The activity to the rear of the building has disturbed the septic areas, the storm sewer areas, it is outside the limits of disturbance that was proposed and there is over an acre of disturbance. There are high level things that are going to need to be remedied and addressed asap. Mike Muffley provided a brief history of this property; initially this was considered an industrial use, no improvements to the site were proposed and an HOP was required. The entrance was considered inadequate, then evolved into creating a loading dock out back, which then triggered land development. Now what we currently have is that the owner has done a substantial amount of work to the rear of the property. Mahar Abdelaal stated that the area was being used to store material for construction. He is proposing to have the property owner remove the material, seed the area and restore it what was originally there. Mike Muffley stated that this is under the jurisdiction of the Conservation District and DEP, the corrective action plan if disturbance is over an acre is to apply for NPDES permit. Cindy Miller questioned what is back there. Joe Sedler stated that it is his understanding that he is stockpiling material. Cindy Miller stated that we were told there would be no outside storage, this is out of compliance and this is now the

Township's problem to get it in compliance. If she could shut this down, she would shut it down. This has been going on for over a year and they need to come into compliance, what do we need to do to make them compliant. Mike Muffley stated that the Township can issue a cease and desist and fine them. Mahar Abdelaal stated that they are frustrated with this project as well, he requested that they be given the opportunity to remove the stockpile of material and show that the areas that we not be disturbed have not been. Mike Muffley has a hard time finding a workaround; there is a front-end loader parked on the septic system, there is material stock piled right in front of the proposed system. It is quite possible that the septic system is not working. Cindy Miller feels that the only way they are going to come into compliance is to issue a cease and desist and start fining them.

Todd Rousenberger questioned if we can proceed with review of the plan for development of this property since it has been under a notice of violation since September 26, 2023. Michael Corriere stated that the plan should be tabled and the cease and desist should be addressed by the Board of Supervisors. Mike Muffley stated that this needs to be discussed with the Conservation District and PennDOT since construction of the driveway has already started without an HOP. An immediate corrective action plan is needed on how this disturbance is going to be addressed. Once the plan is acceptable to everyone, each department will provide a timeline for corrective action. The Sewage Enforcement Officer needs to look at the plan to see what septic areas have been disturbed.

Cindy Miller made a motion to table this plan. Bill Jones seconded the motion. All voted aye. Motion carried.

#### GENERAL BOARD DISCUSSION

##### ***LTMA – DCED Small Water & Sewer Program Grant, request for support/consistency with Comprehensive Plan Letter***

Todd Rousenberger stated that a packet of information was provided on the grants being requested by LTMA for emergency generators at the sewage pump stations and the Cherryville public water supply.

Cindy Miller stated that at the BOS meeting, she specifically asked LTMA if they were applying for any more grants; they stated that they weren't, then we receive this package. When they apply for grants, it goes against Lehigh Township as the Municipality, not just the Authority. She has questions on what they have done in regards to capital planning.

The submittal deadline for the grant paperwork is April 30, 2025. Todd Rousenberger stated that the support letters; which he read aloud, are to be

submitted with the grant applications. The support letters do not state if the Planning Commission is in favor of the Authority applying for the grants, they only state that the grant applications are in compliance with the Township's Comprehensive Plan.

Bill Jones made a motion to have Todd Rousenberger sign the support letters stating that the grant applications are in compliance with the Township's Comprehensive Plan. Cindy Miller seconded the motion. All voted aye. Motion carried.

***Lehigh Solar, for BWC Hokendauqua Creek, LLC, Preliminary/Final Land Development Plan, Courtesy review – Moore Township (KEC review letter March 17, 2025, LVPC review letter April 11, 2025)***

Outside review letters for this project are being submitted as a courtesy to the Township so we are aware of where this project stands. Mike Muffley stated that the Act 157 Stormwater review was inadequate. An official submission has not been made to Lehigh Township so there are no additional comments at this time. The stormwater review has been deferred to Lehigh Township. The access approval is needed from Moore Township first, then the plan is being submitting to Lehigh Township for review and approval.

No action required.

***Ad Hoc Committee – Zoning/SALDO update***

Mike Muffley stated that there was a meeting with Pennoni, Liz Amato and Lori Lambert to review the Zoning changes. Pennoni will need additional time to have the final draft ready for review by the Ad Hoc Committee. It was suggested that we push back the May meeting and schedule for the beginning of June and provide the final draft to the Committee a minimum of two weeks prior to the meeting for their review. The Planning Commission felt that two weeks would not be enough time to review the final draft, it was suggested to provide one month. Cindy Miller questioned how long we are looking at for the adoption of the Zoning changes after we provide our comments and/or changes. Liz Amato stated it depends on how many changes are needed.

The regularly scheduled meeting of June 25, 2025, will be held to review the final draft provided by Pennoni. Bill Jones will not be able to attend this meeting. Lori Lambert will request that Pennoni provide the final draft one month prior to the meeting.



#### PUBLIC COMMENT

Bill Hart questioned where the Turkey Hill project stands. Cindy Miller stated that the plan has been officially withdrawn and a new plan has not been resubmitted to the Township.

#### ADJOURN

Cindy Miller made a motion to adjourn. Bill Jones seconded the motion. All voted aye. Motion carried.