

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

**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 Caizzo 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