



**Upper Mount Bethel Township**

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UPPER MOUNT BETHEL TOWNSHIP  
PLANNING COMMISSION MEETING MINUTES  
WEDNESDAY, AUGUST 17, 2022 – 7:00 PM

**I.**

Chairman Teel called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

Present were Chairman Teel, Commissioner Sarisky, Commissioner Potter, Township Solicitor Karasek and Township Engineer Coyle. Commissioner Klein was absent, and Commissioner Crane was present via phone.

**PUBLIC COMMENT**

Andy Mahan, Kovar Lane, will comment when Section VI, discussion on the floodplain, has been discussed.

Charles Cole, Riverton Road, commented on the major impacts of RPL, traffic and water and the need to consider these before passing through to the Supervisors.

**II.**

**APPROVE THE MINUTES**-July 20, 2022

Commissioner Potter stated there is one correction, he is not the Chairman as stated in Section V, Adjournment. Correction will be made. **MOTION** by Commissioner Potter to approve the amended July 20, 2022, meeting minutes, seconded by Commissioner Sarisky. Vote: 4-0.

**III.**

**SUBDIVISIONS**

- a. East Bangor Sportsman's Association Minor Subdivision-Engineer Coyle discussed his review letter of August 16, 2022. The project intent of the plan is to subdivide Tax Parcel C10-15-4 to create two separate parcels. Proposed lot 1 will encompass the existing substation and accompanying easement. Residual lot 2 shall be the remaining lands. There is no proposed development at this time. Ryan Dentith, Stateline Engineering, stated that the

main purpose of this plan is for tax purposes. The Sportsman's Association will retain both parcels. There was a discussion on the easement.

Waivers requests:

1. *SALDO Section 302.4.1.3* plan scale
2. *SALDO Section 302.4.2.6* site location map scale  
**MOTION** by Commissioner Sarisky to grant the waiver requests, seconded by Commissioner Potter. Vote: 4-0.
3. *SALDO Section 302.4.3.1* contours to be shown  
**MOTION** by Chairman to Teel to recommend waiver, seconded by Commissioner Sarisky. Vote: 4-0.
4. *SALDO Section 302.4.7.6.3 & SALDO 400.4.5* primary and secondary sewage sites. **MOTION** by Chairman Teel to recommend waiver, seconded by Commissioner Sarisky. Vote: 4-0.
5. *SALDO Section 302.4.7.8 & SALDO 400.2.8* roadway dedication/accompanying legal descriptions. Ryan Dentith stated he will comply. Strike request.
6. *SALDO Section 302.4.7.9* each lot have a driveway. Ryan Dentith stated he will comply. Strike request.

Partial Waiver Request:

1. *SALDO Section 302.4.3 & 5* requirement to show natural features and existing man-made features on site/within 100' of the site  
**MOTION** by Commissioner Potter to recommend the partial waiver, seconded by Commissioner Sarisky. Vote: 4-0.

Engineer Coyle stated he recommends Conditional Preliminary and Final Plan Approval. Solicitor Karasek discussed the agreement for Conditional Plan Approval. Fees-in-Lieu, one lot. **MOTION** by Commissioner Potter to recommend Conditional Preliminary and Final Plan Approval, seconded by Commissioner Sarisky. Vote: 4-0.

-Official Action expires November 15, 2022

- b. RPL East Major Subdivision-Engineer Coyle stated this is the fourth submission of this plan and has been modified as the proposed subdivision is intended to create two buildable lots (proposed lots A & B) and one additional lot (proposed lot C) that may be developed in the future under a separate land development application. Engineer Coyle discussed his outstanding issues in his review letter of August 15, 2022.

Waivers discussed:

1. *SALDO Section 304.3.5.4* plan scale  
**MOTION** by Chairman Teel to grant waiver, seconded by Commissioner Potter. Vote: 4-0.
  2. *SALDO Section 304.3.5.2.3* intended uses of the property.  
**MOTION** by Commissioner Sarisky to defer this partial waiver, seconded by Commissioner Potter. Vote: 4-0.
  3. *SALDO Section 400.4.5* all newly proposed lots shall be required to provide both a fully tested and approved primary and fully tested/approved replacement absorption area for on-lot sewage disposal. Septic testing is only indicated for lot B. Septic testing results for lot B shall be added to the plan. Lot C will require a Residual Tract Waiver.  
**MOTION** by Commissioner Sarisky to recommend waiver with conditions, seconded by Commissioner Potter. Vote: 4-0.
  4. *SALDO Section 304.3.4.4.4* in non-residential developments, the arrangement and use of buildings/parking areas, with all necessary dimensions/number of parking spaces shall be provided. No buildings are currently shown. Solicitor Karasek stated this is a deferral waiver.  
**MOTION** by Chairman Teel to defer this waiver, seconded by Commissioner Sarisky. Vote: 4-0. Solicitor Karasek discussed the Conditional agreement form for Preliminary Plan Only. A Lehigh Valley Planning Commission letter was not received. Attorney Rob Lewis reviewed his prior notes and stated that LVPC has not provided a review letter on the subdivision since its inception, September 2021. Fees-in-Lieu, two lots. SALDO waiver to be granted by the Township Board of Supervisors and noted on the plan. **MOTION** by Chairman Teel to recommend Conditional Preliminary Plan only approval, seconded by Commissioner Sarisky. Vote: 4-0. This will be presented to the Board of Supervisors at their scheduled meeting on September 12<sup>th</sup>.  
-Official Action expires on October 19, 2022
- c. Tishuk to McCabe et al. Lot Line Adjustment- **MOTION** by Chairman Teel to table, seconded by Commissioner Potter. Vote: 4-0.  
-Official Action expires on October 18, 2022
  - d. River Pointe Dr. River Rd. and Potomac St.-River Pointe Logistics Center. **MOTION** by Chairman Teel to table, seconded by Commissioner Sarisky. Vote: 4-0. Solicitor Karasek stated this plan is scheduled to be discussed at a Special Planning Commission Meeting on August 24<sup>th</sup>, in which he will not be able to attend.  
-Official Action expires on October 18, 2022

#### IV.

#### LAND DEVELOPMENT

- a. RPL East LLC Planned Industrial Park-Kestra Kelly, Civil Engineer from BLCompanies. Kestra provided the Commissioners with a list of proposed

conditions for recommendation of Preliminary Plan Approval, as well as three (3) waiver requests. Kestra went through Engineer Coyle's review letter and addressed the following comments:

- Project Intent-A proposed 388,800 square foot spec building, height is less than 100 ft.
- Landscape Plan- will be signed and sealed
- PA Historical and Museum Commission-a comment letter has been received and no further action is required.
- Utility Easements-ongoing coordination with them to relocate the utility lines.
- Proposed Fire Flows-will comply.
- Owner's Statement/Signature-will comply.
- Estimated Sewer Flows and Water demand-will comply.
- All waivers and deferrals added to plan-will comply.
- Blanket Easements for various stormwater facilities-will comply.
- Direct Access for stormwater facilities-will comply.
- Topography anomalies-will comply.
- Elevation of Level Spreader-will comply.
- Hydraulic grade lines-will comply.

At this time, Kestra discussed the proposed conditions for recommendation of Preliminary Plan approval:

- Applicant will provide correspondence/authorization from DEP regarding the proposed Act 2 remediation plan, Engineer Coyle concurs
- Applicant shall obtain public water supply permits from DEP for operating the proposed noncommunity public water system and shall establish a deed restricted wellhead protection area around each water supply well, Engineer Coyle concurs.
- If groundwater withdraws exceed 100,000 gallons during a 30-day period, developer must obtain a docket from the Delaware River Basin commission for a groundwater allocation, Engineer Coyle concurs.
- Applicant shall demonstrate compliance with applicable parking requirements as a condition of issuance of a CO for the proposed building, Engineer Coyle concurs.
- Prior to submission of a final land development plan, applicant shall perform any required testing for on-lot septic systems. Applicant shall provide the results of such testing with its submission of an application for final land development approval. Engineer Coyle stated to communicate with the Township SEO.

- Prior to recording of its final land development plan, applicant shall obtain PA DEP Planning Module approval. Engineer Coyle stated to communicate with Township SEO.
- Prior to the recording of its final land development plan, applicant shall obtain necessary permits and approval from PA DEP and/or the NCCD, including but not limited to an NPDES permit. Engineer Coyle concurs.
- Applicant shall provide 250 ft of shoulder widening and reconstruction on both sides of River Rd. Engineer Coyle concurs.
- Prior to recording its final land development plan, applicant shall provide evidence of an agreement with Norfolk Southern regarding the crossing of the rail line. Engineer Coyle concurs.
- At the time of submission of any other applications for Land Development Approval within the RPL East Industrial Park, Applicant shall submit an updated TIA addressing such additional development. Engineer Coyle concurs.
- Prior to recording the Final Land Development Plan, the landscape plan (sheet \_\_\_ of \_\_\_) shall be signed and sealed by a registered landscape architect. Engineer Coyle concurs.
- Prior to recording the Final Land Development Plan, Applicant shall provide for review and approval by the Township's Engineer and Township's Solicitor all required Right-of-way, restrictive and protective covenants, and easements for all drainage, utilities or other purposes that are to be dedicated to the Township. Engineer Coyle concurs.
- Prior to issuance of an occupancy permit for the proposed development, Applicant shall demonstrate that adequate fire protection facilities have been provided in accordance with the standards set forth in SALDO Section 600.4.8.4. Engineer Coyle stated the prior to recording of final land development, not issuance of occupancy permit.
- Prior to the Recording of the Final Land Development Plan, applicant shall enter into an agreement with the Township for the payment of a fee in-lieu of dedication of Park, Recreation and Open space in accordance with Ordinance 2020-02 Article I (33.a.ii). Engineer Coyle concurs.
- Prior to the recording of the Final Land Development Plan, applicant shall provide evidence of LVPC approval of the proposed Stormwater Plan. LVPC letter has been received and will provide upon receipt.
- During Final Plan submission, Applicant shall provide an estimated sewer flow and water demand for both domestic and fire.
- Prior to the Recording of the Final Land Development Plan, applicant shall pay all outstanding application and review fees owed to the Township. Engineer Coyle concurs.

- Prior to the Recording of the Final Land Development Plan, all waivers and deferrals shall be noted on the Plan. Engineer Coyle concurs.
- Prior to the Recording of the Final land Development Plan, applicant shall provide an agreement, acceptable to the Upper Mount Bethel Township Solicitor, setting forth any necessary easements in favor of Upper Mount Bethel Township regarding all stormwater facilities for the project. Engineer Coyle concurs.
- Prior to the Recording of the Final Land Development Plan, applicant shall provide written consent from all applicable utilities companies to any proposed vacation or relocation of their respective utility facilities. Engineer Coyle concurs.
- Prior to the Recording of the Final Land Development Plan, applicant shall enter into an O&M Agreement acceptable to the Township's Solicitor, covering all stormwater BMP's for the project. Engineer Coyle concurs.
- Prior to the Recording of the Final Land Development Plan, applicant shall enter into a Development Agreement and Financial Security Agreement acceptable to the Township's Solicitor guaranteeing completion of the required improvements depicted on the plan. Solicitor Karasek will review with Engineer Coyle.

Waivers and Deferrals requests:

- SALDO Section 501.5.4-pertains to minimum drainage pipe slopes. **MOTION** by Chairman Teel to grant waiver request, seconded by Commissioner Potter. Vote: 4-0.
- SALDO Section 304.3.5-letter of intent. Engineer Coyle stated a tenant is not known; therefore, a deferral is recommended and in addition to submission of the letter of intent, a site plan is to be submitted as well. **MOTION** by Chairman Teel to grant deferral, seconded by Commissioner Sarisky. Vote: 4-0.
- SALDO Section 304.2.5.4-plan scale. **MOTION** by Chairman Teel to grant waiver request, seconded by Commission Sarisky. Vote: 4-0.

Official Action expires on October 25, 2022

Solicitor Karasek discussed the Agreement for Conditional Plan Approval form with Engineer Coyle. Fees in-Lieu for two (2) lots, Chairman Teel stated in the preliminary approval stage, not final. **MOTION** by Chairman Teel to recommend Conditional Preliminary Plan Only Approval, seconded by Commissioner Potter. Vote: 4-0. This will be presented to the Board of Supervisors at their scheduled meeting on September 12<sup>th</sup>.

**V.  
SITE/SKETCH PLANS-NONE**

**VI.  
DISCUSSION**

- a. Structures in a Floodplain-Andy Mahan commented on the Township's Ordinance, naming a fence as a structure. FEMA does not recognize a fence as a structure. Mr. Mahan discussed Act of October 7, 2021, Repair of Private Roads, which states a private road shall be fenced. Mr. Mahan is asking the Planning Commission to recommend to the BOS to change our Zoning Ordinance regarding fences. Engineer Coyle, who is also the Floodplain Administrator, provided material for the Planning Commission to review regarding Floodways and Floodplains. Engineer Coyle stated that if a fence is proposed in the floodplain, he recommends the application be reviewed by the zoning officer and floodplain administrator on a case-by-case basis. Engineer Coyle stated that any proposed fence in a floodway will still need approval for special exception. There was a discussion on the fee to apply for a variance. Further discussion on this matter will be on the Board of Supervisor's meeting agenda on the 22<sup>nd</sup>.

**VII.  
ADJOURNMENT**

**MOTION** by Chairman Teel to adjourn the meeting at 9:10 pm, seconded by Commissioner Sarisky. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary