

**Westfall Township
Planning Commission
Regular Meeting
June 28, 2022**

The regular meeting of the Westfall Township Planning Commission was held at 7:00 pm on Tuesday, June 28, 2022, and opened with the Pledge of Allegiance. The meeting was held at the Westfall Township Municipal Building on Delaware Drive and LaBarr Lane, Westfall Township.

Members present were Jolie DeFeis, Twila Decker and Kim Ropke. Also present were Solicitor, Robert Bernathy; Secretary, Kaitlin Hildebrandt, Zoning Officer, Lori McCrory; Lou Cozza, Kiley Associates, LLC; Westfall Fire Assistant Chief Kyle Innella, John D. Fuller, P.E., P.C., Jason Ohliger, Esquire; Duke Snyder, Esquire, Thomas Smith and Tom Moranti. There were no members of the general public present.

Pat Cordova was absent.

OLD BUSINESS:

**1.) 1005 Pennsylvania Avenue, LLC-Major Land Development-1005
Pennsylvania Avenue (Tax Map 083.13-01-31)-Storage Units**

Mr. John D. Fuller, P.E., P.C. addressed the Board with regard to the above listed major land development plan. Per Mr. Koza this project has been changed to a major land development project based upon the building amount. A conditional use hearing is required in this matter and is scheduled for Tuesday, July 12, 2022 at 6:00 p.m. Mr. Koza reviewed his letter dated, June 24, 2022 addressing any concerns with the plans, and other than the below listed issues he takes no exception to the plan.

- 1.) A waiver of the performance/guarantee/financial security and developers' agreement for the required improvements, to verify the adequacy of the financial security for the project.
- 2.) The project signage shall comply with this section of the Zoning Ordinance and receive a permit from the Westfall Township Zoning Officer prior to construction.
- 3.) The Bulk table designation shall be revised accordingly to reflect the C-1 Neighborhood Commercial District on all plan sheets.
- 4.) The preparation and submission of an Erosion and Sediment Control Plan for the project to the Pike County Conservation District for Review and that no

earth disturbance shall be permitted until a Letter of Adequacy has been issued by the Conservation District.

- 5.) A copy of the required permits and correspondence with PennDOT with regard to PennDOT Low Volume Highway Occupancy Permit for the existing driveways onto Pennsylvania Avenue.
- 6.) The applicant shall provide the necessary easements for use by Wells Fargo Bank for review by the Township Solicitor.

Attorney Bernathy specifically noted that there is no adjacent property impact for this project. Mr. Fuller does not anticipate there to be any issue with the conservation Department as the area is currently all blacktop now.

Assistant Fire Chief Kyle Innella addressed the Board with regard to EMS concerns. He has requested that a fire hydrant be installed on 10th Street on the side of the project and that following installation a flow test of the hydrant be conducted. The flow test would be conducted by either Beach Lake Fire or Sullivan Fire and Sprinkler. There is a hydrant on Pennsylvania Avenue, however there are concerns with regard to running hose across a major thoroughfare which could cause them to rupture or have reduced pressure. Additionally, the Assistant Chief did request the installation of a Knox box.

Mr. Fuller did address the Boards questions/ concerns, in that there will be a maximum of twenty-five (25) vehicles/clients for the outdoor storage, there is a possibility of being parked in, there will be no day or overnight (temporary basis) parking of vehicles, a full landscaping plan, snow removal plan, gated, locked each night, hours of operation are 6:00 a.m. until 9:00 p.m., lighting plan, downlighting, and minimal to no effect on the adjacent properties.

Attorney Bernathy specifically then requested that the minutes reflect that the containers were to be removed from the property by June 1, 2022 and that they have been, all except for one that is permitted to remain on the premises until any construction is completed and then same will be removed as well. The flea market will end prior to the storage lockers, and that Mommy and Me will no longer occupy a portion of the building. The owner of 1005 PA Ave. LLC, Mr. Thomas Smith did acknowledge the containers have been removed, he is aware of when the last container must be removed by, that the flea market has already ended and that Mommy and Me will be leaving the site.

A motion was made by Kim Ropke to recommend approval of the land development plan with the below listed conditions. The motion was seconded by Twila Decker and carries with all in favor.

- 1.) A waiver of the performance/guarantee/financial security and developers' agreement for the required improvements, to verify the adequacy of the financial security for the project.
- 2.) The project signage shall comply with this section of the Zoning Ordinance and receive a permit from the Westfall Township Zoning Officer prior to construction.
- 3.) The installation of a fire hydrant on 10th Street, on the side of the project location, with flow testing to be completed following the installation.
- 4.) Providing afterhours emergency access through a Knox Box or keypad.
- 5.) The Bulk table designation shall be revised accordingly to reflect the C-1 Neighborhood Commercial District on all plan sheets.
- 6.) The preparation and submission of an Erosion and Sediment Control Plan for the project to the Pike County Conservation District for Review and that no earth disturbance shall be permitted until a Letter of Adequacy has been issued by the Conservation District.
- 7.) A copy of the required permits and correspondence with PennDOT with regard to PennDOT Low Volume Highway Occupancy Permit for the existing driveways onto Pennsylvania Avenue.
- 8.) The applicant shall provide the necessary easements for use by Wells Fargo Bank for review by the Township Solicitor.

Mr. Fuller did thank the Board for their recommendation to approve with conditions.

No further public comment was heard.

2.)Lands of MIC Realty, LLC-Minor Land Development-115 Mountain Avenue East (Tax Map 083.17-01-01.004)

Mr. John D. Fuller, P.E., P.C. addressed the Board with regard to the above listed minor land development plan. This property was formerly known as golden acres and will now be converted into a house of worship, specifically a mosque. There will be no congregational worship, but rather individual worship, with no more than approximately twenty worshipers at a time. Mr. Fuller made reference to Sewage Enforcement Officer Chris Wood's memorandum dated June 21, 2022 which states that the sewage disposal system is sufficient for the project's needs. Mr. Koza reviewed his letter dated, June 22,

2022 addressing any concerns with the plans, and other than the below listed issues he takes no exception to the plan.

- 1.) A waiver of the performance/guarantee/financial security and developers' agreement for the required improvements, to verify the adequacy of the financial security for the project.
- 2.) A copy of the required permits and correspondence with PennDOT with regard to PennDOT Low Volume Highway Occupancy Permit for the existing driveways onto Mountain Avenue
- 3.) The project signage shall comply with this section of the Zoning Ordinance and receive a permit from the Westfall Township Zoning Officer prior to construction.

The Board did confirm that there will be shielded light sconces on the building or walkways, any parking lighting would be properly directed, there will be ten parking spaces and the house of worship will be open daily from 8:00 a.m. until 10:00 p.m. Mr. Fuller stated that there is not currently a parking light on the plans. The Board did request that a lighting fixture in the parking lot be added to the plans.

Assistant Fire Chief Kyle Innella then addressed the Board. There is an adjacent fire hydrant to the property that has not been flow test recently to ensure that it is properly functioning and requested that this be made a condition of recommending approval.

Zoning Office Lori McCrory then addressed the Board. The only issue that she would have raised would be lighting that had previously been addressed. There is nominal impact on the adjacent properties, there is no buffer issues, and the project well exceeds the wetland buffer.

A motion was made by Jolie DeFeis to recommend approval of the land development plan with the below listed conditions. The motion was seconded by Twila Decker and carries with all in favor.

- 1.) A waiver of the performance/guarantee/financial security and developers' agreement for the required improvements, to verify the adequacy of the financial security for the project.
- 2.) A copy of the required permits and correspondence with PennDOT with regard to PennDOT Low Volume Highway Occupancy Permit for the existing driveways onto Mountain Avenue
- 3.) Fire hydrant flow testing
- 4.) The project signage shall comply with this section of the Zoning Ordinance and receive a permit from the Westfall Township Zoning Officer prior to construction.

5.) The addition of a light fixture located in the parking lot.

Mr. Fuller did thank the Board for their recommendation to approve with conditions.

No further public comment was heard.

3.)Community Self Storage, Inc.-Major Land Development Plan & Minor Land Improvement Plan, Bell Drive LLC -151 Reuben Bell Drive (Tax Map 099.00-01-34 & 38)-Storage Units

Mr. John D. Fuller, P.E., P.C. addressed the Board with regard to the above listed major and minor land development plan. These plans include consolidating four (4) parcels into one (1). The lot combination deed is to be reviewed by Attorney Bernathy. Additionally, a cross-easement will be required for the purposes of using the emergency gate access for firetrucks, ambulances or other EMS vehicles. Per Mr. Fuller he will provide a copy of this cross-easement proposal to Attorney Bernathy for his review. Mr. Koza reviewed his letter dated, June 22, 2022 addressing any concerns with the plans, and other than the below listed issues he takes no exception to the plan.

- 1.) A waiver of the performance/guarantee/financial security and developers' agreement for the required improvements, to verify the adequacy of the financial security for the project.
- 2.) The project signage shall comply with this section of the Zoning Ordinance and receive a permit from the Westfall Township Zoning Officer prior to construction.
- 3.) The preparation and submission of an Erosion and Sediment Control Plan and NPDES permit application for the project to the Pike County Conservation District for Review and that no earth disturbance shall be permitted until a Letter of Adequacy and an NPDES Permit have been issued by the Conservation District.
- 4.) An access easement through the adjacent property to the west, (Lands of M. A. Land, LLC) shall be indicated on Sheet S-3 and a legal description of the easement shall be provided to the Westfall Solicitor for review.
- 5.) Elevations of the proposed stormwater outlet structure and bio-retention basin as shown on plan sheet S-11 do not match the elevations indicated within the stormwater calculations. The applicant shall correct the provided elevations accordingly.

Assistant Fire Chief Kyle Innella then addressed the board with his comments and or concerns regarding this proposed plan. He would like to see that a fire hydrant be placed within the compound of the storage units due to access, hoses, water pressure. There is

currently a fire hydrant on the opposite side of the driveway to the proposed storage facility. The owner of the property Tom Moranti requested permission to address the Board with regard to this request. Mr. Moranti states that installing a hydrant is an enormous expense, of at least several thousand dollars. He further relates that he has already provided emergency access by way of an emergency entrance to the facility, that these are single story non-residential buildings, that he has a twenty-five (25) page lease wherein he does not permit gas, diesel, lithium batteries, etc. to be housed in his storage facility. He will meet with the fire department separately and comply with any other emergency access requirements they may have. Assistant Chief states that this changes his assessment of the need for a fire hydrant in the facility and will only request a flow test of the adjacent hydrant. The owner, Mr. Mornati then requested to know why a flow test was necessary, when he does not own or maintain the fire hydrant. He was informed by Assistant Chief Innella that this test looks at the fire load, would more tankers be required, how many gallons per minute the hydrant displaces.

Zoning Officer Lori McCrory then addressed the Board and related the following, that the buffer to the east of the property is extensive, there is a downlighting plan, landscaping and the design of the building works to block the light to the adjacent property.

No further public comment was heard.

A motion was made by Twila Decker to recommend approval of the land development plan with the below listed conditions. The motion was seconded by Jolie DeFeis and carries with all in favor.

- 1.) A waiver of the performance/guarantee/financial security and developers' agreement for the required improvements, to verify the adequacy of the financial security for the project.
- 2.) The project signage shall comply with this section of the Zoning Ordinance and receive a permit from the Westfall Township Zoning Officer prior to construction.
- 3.) The preparation and submission of an Erosion and Sediment Control Plan and NPDES permit application for the project to the Pike County Conservation District for Review and that no earth disturbance shall be permitted until a Letter of Adequacy and an NPDES Permit have been issued by the Conservation District.
- 4.) The completion of a flow test on the adjacent fire hydrant.

- 5.) An access easement through the adjacent property to the west, (Lands of M. A. Land, LLC) shall be indicated on Sheet S-3 and a legal description of the easement shall be provided to the Westfall Solicitor for review.
- 6.) Elevations of the proposed stormwater outlet structure and bio-retention basin as shown on plan sheet S-11 do not match the elevations indicated within the stormwater calculations. The applicant shall correct the provided elevations accordingly.

Mr. Fuller did thank the Board for their recommendation to approve with conditions.

No further public comment was heard.

4.) Grimila lot improvement/Subdivision discussion on steps to process further

Per Attorney Bernathy this matter should not be on the agenda as there has no been no application. He has requested that the agenda be amended to remove this item.

Informal Comment/Discussion Regarding :Re-Zoning Hearing-Riverview Properties, LLC-Letter dated May 17, 2022 from Attorney Ohliger, hearing scheduled for August 15, 2022 at 5:30 p.m.

Attorney Ohliger did address the Board and requested an opportunity to informally address the board with regard to the submitted application to change the zoning from an R-1 to C-2 zone. This proposed change will still allow for there to be a residence on the lots. Lot 100 currently has an occupied residence. Any anticipated commercial use of the properties will be accomplished by an easement per Attorney Ohliger, who further states that the property may never be used in a commercial capacity. These lots do currently have deeded access through Riverview Terrace, with the adjacent roads having access to the major thoroughfare of Route 6 & 209. There again is currently no planning for this property.

Comment was then received from the Board, specifically, that changing the zone will result in a land locked commercial zone, there is an easement issue to be addressed, and is there no intended future use of this property after changing the zoning. Ms. Ropke inquired as to why the easement is not being completed first and believes that it makes the most sense to begin there. Attorney Bernathy commented that the adjacent lots should be combined, which allows one to zone up similar to a situation he was aware of in Hawley that the Settlers Inn accomplished, and he will conduct additional legal research on this issue.

NEW BUSINESS:

1. Zoning permit for a maintenance Farage located at 1080 Labarr Lane, that may require a buffer of trees next to residential property

There was discussion amongst members of the Board, Solicitor Bernathy, and Mr. Kozza with regard to this agenda item. This item was placed on the agenda at the request of Vice Chairman Schaldonat to be discussed. It was determined during this discussion that this issue has already been reviewed and is resolved. There is currently a fence and foliage between the residence and the new Westfall Township Maintenance Garage, and this is a moot point.

2. Width of drive-thru lanes, should an emergency exit be required

There was discussion amongst members of the Board, Solicitor Bernathy, Zoning Officer McCrory and Mr. Cozza with regard to this agenda item. This item was placed on the agenda at the request of Vice Chairman Schaldonat to be discussed. The Board and Zoning Officer are not currently aware of any establishments in Westfall Township that would present an emergency exit issue while a patron was in a drive-thru lane. All members of the Board did agree that they will take this issue into account when making future decisions on establishments that have drive-thru lanes.

3. Memorandum from Sewage Enforcement Office Chris Wood regarding 115 Mountain Avenue – Formerly Golden Acres

This memorandum was addressed under old business number two on the agenda Lands of MIC Realty, LLC-Minor Land Development -115 Mountain Avenue East (Tax Map 083.17-01.004) and is now a moot point.

Minutes:

- 1. January 25, 2022 -Organization Meeting/Regular Meeting Minuets**
- 2. March 10, 2022 – Workshop Meeting Minuets**
- 3. April 14, 2022 – Workshop Meeting Minuets**
- 4. May 12, 2022 – Workshop Meeting Minuets**

Solicitor Bernathy had a question as to whether or not there were sufficient members of the Board present to approve the above listed minuets, that he will look into the issue and that he will inform Secretary Hildebrandt how to move forward with the approval process.

A motion was made by Kim Ropke to table the matter to the next meeting. The motion was seconded by Jolie DeFeis and carries with all in favor.

Public Comment: None

Adjournment: A motion was made by Twila Decker to adjourn the meeting at 8:33 pm. The motion was seconded by Kim Ropke and carries with all in favor.

Respectfully Submitted,

Kaitlin Hildebrandt, Secretary
Westfall Township Planning Commission