

February 9, 2023

EMMAUS PLANNING COMMISSION

1. **CALL TO ORDER**

Acting Chairman Ackerman called the February 9, 2023 Emmaus Planning Commission Meeting to Order at 7:01 p.m., with the following members present:

Todd Ackerman	Acting Chairman
Nigel Watt	Member
Robert Toth	Member
JP Raynock	Member
Christian Didra	Member
Josh Grice	Member (Arrived at 7:10pm)
Jason Ulrich	Solicitor
Jason Buchta	Engineer
Robert Hammond	Secretary

Chairman Gibson was absent.

2. **READING OF THE MINUTES**

Motion by Commissioner Raynock, seconded by Commissioner Didra to dispense with the reading of the December 8, 2022 meeting minutes. No discussion. Motion approved 5-0. Motion carried.

Motion by Commissioner Watt, seconded by Commissioner Toth to approve the December 8, 2022 meeting minutes. No discussion. Motion approved 5-0. Motion carried.

3. **COMMUNICATIONS**

a) Fields at Indian Creek Crosswalk Improvements Update

Commissioner Ackerman summarized the contents of this communication. Fields at Indian Creek is on pace to begin North Street crosswalk improvements in May 2023.

b) Iron Works – 300 Furnace Street

Commissioner Watt inquired about whether the developer will purchase the adjacent property known as 417 S. Mountain St., the property of East Penn School District, and incorporate this property into the development. Mr. Hammond informed the commission that the Iron Works project does not involve the purchase and incorporation of the neighboring property owned by East Penn School District.

c) **Emmaus Public Library – Sculpture Garden**

The Planning Commission review for this project is complete.

4. UNFINISHED BUSINESS

a) **306 Broad Street**

Appearing before the Commission were Matt Spangenberg and Jonathan Wilhite, the developers, and Rod Chirumbolo, the project engineer. Solicitor Ulrich explained that, if the project is not recommended for approval, the applicant would be encouraged to grant the Borough a 60-day extension. Mr. Ackerman explained that the goal of the Planning Commission is for the Commission to provide a complete set of plans to Borough Council rather than to recommend a project for approval while leaving many outstanding items for correction. Mr. Buchta summarized the open discussion items on Ott Engineering's review letter dated January 16, 2023. Item 7.P is a waiver request that has not yet been acted upon by the Planning Commission. Items 18-22 include grading comments, and Ott provided the applicant markups showing recommended grading changes. Item 23 is a waiver request that has not been acted upon by the Planning Commission. Items E.3-E.7 include stormwater comments. Mr. Chirumbolo, representing the applicant, believes that the open items will change the project but not in a significant way. Solicitor Ulrich noted that an adjacent property, 110 S. 3rd St., could be affected by stormwater issues in the current design. Mr. Chirumbolo responded that 110 S. 3rd St. is affected by existing stormwater issues. Mr. Ackerman noted that the SALDO does not accept existing conditions as a means of circumventing compliance. Mr. Chirumbolo believes that runoff will be lessened from pre- to post-construction by capturing all stormwater in the proposed parking lot. Mr. Buchta also observed that a proposed swale running between 306 Broad Street and 110 S. 3rd Street could affect 102-104 S. 3rd Street. Mr. Buchta recommended providing overland relief in that swale location if the development of 306 Broad Street adversely affects 102-104 S. 3rd Street. Mr. Spangenberg agreed to place river rock post-construction to relieve any grading issues. Mr. Chirumbolo also offered to perform post construction remediation if necessary. Mr. Buchta pointed out that the grading is backpitched toward the building in violation of Borough ordinance, and he did mark up the drawings to show revised proposed gradings. Mr. Chirumbolo did not revise the drawings to incorporate the markups from the Borough Engineer prior to appearing at Planning Commission. Solicitor Ulrich informed the Commission that they cannot accept drawings that are not prepared by the design engineer. Mr. Hammond reviewed other open items from review letters, including the Shade Tree review dated January 18, 2023, which recommended a change to the proposed tree plantings, and Hanover Engineering's review letter dated February 3, 2023, which included several comments involving water and sewer service.

Motion by Commissioner Raynock, seconded by Commissioner Toth to recommend the approval of the 306 Broad Street land development subject to conditions that all open items on Ott Engineering's review letter dated January 16, 2023, the Shade Tree Commission's review dated January 18, 2023, and Hanover Engineering's review letter dated February 3, 2023 be addressed.

Discussion: Mr. Grice asked whether a fence would be required above a retaining wall. Mr. Hammond responded that, if there is an unprotected edge of 30” or more above grade, a guard, such as a fence, is required. Mr. Grice also recommended that the developer perform an additional infiltration test during construction to better determine the soil conditions.

Motion by Commissioner Watt to table the vote for further discussion. Motion died for lack of a second.

Solicitor Ulrich reminded the Commission that, if the developer fails to comply with conditions resolved upon by Borough Council, the Building Code Official can withhold a certificate of occupancy for the proposed building.

Commissioner Raynock amended his motion and Commission Toth amended his second to recommend the project subject to conditions that all open items on Ott Engineering’s review letter dated January 16, 2023, the Shade Tree Commission’s review dated January 18, 2023, and Hanover Engineering’s review letter dated February 3, 2023 be addressed and that a guard be installed at the top of the retaining wall in any areas where the retaining wall is more than 30” above grade and that the developer performs an additional infiltration test during construction. Motion approved 6-0. Motion carried.

5. NEW BUSINESS

None

6. BILL REVIEW

Gross McGinley Invoices:

No comments.

Ott Consulting Invoices:

No comments.

Norris McGlaughlin Invoices:

No comments.

Hanover Engineering Invoices:

No comments.

Motion by Commissioner Watt, seconded by Commissioner Grice to approve the submitted bills. No discussion. Motion approved 6-0. Motion carried.

7. CHAIRMAN'S BUSINESS

Mr. Ackerman observed that a portion of the golf cartway near the Fields at Indian Creek development which has eroded into the creek is outside the boundary of the Fields property. Mr. Ackerman is coordinating with Upper Milford Township to ensure that public improvements in the development are installed in accordance with the approved plan.

8. ADJOURNMENT

Motion by Commissioner Watt, seconded by Commissioner Raynock to adjourn the February 9, 2023 Planning Commission Meeting. Motion approved 6-0. Motion carried.

The Planning Commission Meeting was adjourned at 7:40 pm.

Submitted by:
Robert Hammond
February 10, 2023