

Chairman Larry Geiger called the 525<sup>th</sup> meeting of the Lowhill Township Planning Commission to order on Wednesday March 27, 2024 at 7:00 pm. The meeting was held in person at the Municipal Building and on ZOOM. Roll call of members present: Jack Iannantuono(zoom), Kevin Bubbenmoyer, Larry Geiger, Stephen Lear, Sue McGorry and Rick Dorney. Barry Betz was absent. Engineer/Zoning Officer Ryan Christman, Solicitor David Brooman, Esq. (zoom). This meeting was advertised and conducted in accordance with Act 15.

The December 18, 2023 meeting minutes were approved as written.

CRG – 2951 Betz Court – Sewage Planning Module, Blake Marles, Esq. was present via Zoom.

Larry Geiger read the Keystone Consulting Engineers letter dated March 4, 2024.

Jack Iannantuono submitted a letter, read by Stephen Lear to be entered into the minutes as attachment 1.

Stephen Lear submitted a letter, read by Stephen Lear to be entered into the minutes as attachment 2.

Sue McGorry – Chris Noll from Keystone Consulting Engineers letter dated September 14, asked for a letter from a herbologist, haven't seen such letter.

David Brooman – Ultimately it is the DEP's decision if it is required.

Sue McGorry – discussed issues she has with some clarification on section G.

Curtis Dietrich – Curious why the developers were unaware of the meeting.

Blake Marles – Would like to have time to answer Keystone Consulting Engineers letter dated March 4, 2024.

David Brooman – Will give another 30 days to respond.

There was a discussion on Pennoni's response letter dated March 18, 2024 to Keystone Consulting Engineers letter dated March 4, 2024.

Kevin Bubbenmoyer – has questions on the ordinance and state codes for a secondary site and sewage management agreements.

David Brooman – no ordinance regulating it.

Jack Iannantuono – no way to manage a sewage without a secondary site.

Mike Siegel – The regulations quoted were from the PA code, not the MPC.

Terry Lenhart – Lowhill Township – Questions if can be made mandatory to make the group responsible as opposed to the township.

Kevin Bubbenmoyer – What are the requirements of 71.21?

Mike Siegel – Content of Act 537 plan.

Curtis Dietrich – Looking at e mail from Josh Hoffman of Pennoni requesting action by the Township.

Blake Marles – Copied on correspondence, but was contacted by the engineer and wasn't aware of the meeting and doesn't have the Keystone letter dated March 4, 2024.

Kevin Bubbenmoyer – we have a response by Pennoni to Keystone's letter on March 18, 2024.

Larry Geiger recommends denial.

Stephen Lear made a motion to recommend denial of the CRG, 2951 Betz Court sewage planning module to the Board of Supervisors based on letters and comments. Second by Sue McGorry. Roll call: All. It was unanimous, motion carries.

Mike Siegel – Part time consultant to educate on the multi municipal plan and update our SALDO. Goal is to educate on responsibility as the Planning Commission and how to address developers. Discussed upcoming road construction in North and South Whitehall that may affect Lowhill in the next six months to a year. Would like to have workshops with the planning commission. The multi municipal plan will be complete by September 2024 the SALDO should be updated by that time as well.

Curtis Dietrich – Section 4a must be completed by Planning Commission, we need a motion to do that. (In reference to the CRG Sewage Planning Module)

Stephen Lear made a motion that Larry Geiger and Stephen Lear with work with David Brooman to answer and complete section 4a of the CRG Sewage Planning Module. Kevin Bubbenmoyer second the motion, Roll call – all. It was unanimous. Motion carried.

Jack Iannantuono would like to see the answers prior to it going to the Board. David Brooman can't allow that, or it has to be given to the public.

Larry Geiger opened the floor for public comment.

Terry Lenhart – Lowhill Township – Concerned about the farmland that is no longer being farmed and sold. How do we preserve that land?

Mike Siegel – There are things that can be done though regional zoning.

The next scheduled Planning Commission meeting will be on Wednesday April 24, 2024 at 7:00 pm.

Stephen Lear made a motion to adjourn. Rick Dorney second the motion. Roll call – All. It was unanimous. Motion carried.

The Lowhill Township Planning Commission meeting was adjourned at 8:03 pm.

Respectfully Submitted,

Iannantuono comments / 2951 Betz Ct / CRG Sewage Planning Module // Lowhill Township  
PC meeting 3.27.24

From: Jack Iannantuono at Indicon, Inc. (jack@indiconinc.com)

To: lgigotone@ptd.net; tracker9058@gmail.com

Cc: dbrooman@highswartz.com; seymoujm@aol.com

Date: Wednesday, March 27, 2024 at 02:12 PM EDT

Larry / Steve / Jill

Please see below email comments for tonight.

Last week I had a weak signal for the EPD presentation so my concern is I may have intermittent reception again.

I asked David if I could forward this to you all to bring to the meeting and make part of the record.

If Jill can print out and bring in the permanent file

As long as the signal functions I will be on the zoom and be able to present myself

Thanks, in advance

**Jack**

**From:** Jack Iannantuono at Indicon, Inc. <jack@indiconinc.com>

**Sent:** Wednesday, March 27, 2024 10:34 AM

**To:** Jack Iannantuono at Indicon, Inc. <jack@indiconinc.com>

**Subject:** Iannantuono comments / 2951 Betz Ct / CRG Sewage Planning Module // Lowhill Township PC meeting 3.27.24

Ladies and Gentlemen

I would like these points to be discussed during the PC meeting and made part of the permanent public record regarding the above subject

(1)

CRG Sewage Planning Module / 2951 Betz Ct.

I am opposed to Lowhill township approving the onlot sewage module and a Sewage Management Agreement with the Applicant / or any future owner for the following reasons.

Our current zoning requires a secondary sewage site in case the primary site fails or malfunction and I want to have the record reflect maintaining this consistency. A Sewage Management Agreement would be counter to and in conflict with our current ACT 537 provisions.

In addition, because the resources of the Township would also be exposed to unknown environmental and financial contingencies I oppose approval of this submission.

I point out Section 71.53 PA Admin of Sewage Planning Facilities

Please refer to additional my comments following this section regarding the Applicants submission.

<https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/025/chapter71/chap71toc.html>

**§ 71.53. Municipal administration of new land development planning requirements for revisions.**

- (vi) A major change in established growth projections.
- (vii) A different land use pattern than that established in the official sewage plan.
- (viii) The use of large volume onlot sewage systems.
- (ix) Resolution of a conflict between the proposed alternative and the consistency requirements contained in § 71.21(a)(5)(i)—(iii).
- (x) The sewage facilities are proposed to discharge into high quality or exceptional value waters.
- (e) Since it is the responsibility of the municipality to implement the provisions of official plan revisions, when reviewing a proposed plan revision the municipality shall consider the information requested in subsection (d) and whether the proposed plan revision is consistent with established municipal goals and capabilities.

(f) A municipality may refuse to adopt a proposed revision to its official plan for new land development for the following reasons, including, but not limited to:

- (1) The plan is not technically or administratively able to be implemented.
- (2) Present and future sewage disposal needs of the area, remaining acreage or delineated lots are not adequately addressed.
- (3) The plan is not consistent with municipal land use plans and ordinances, subdivision ordinances or other ordinances or plans for controlling land use or development.
- (4) The plan is not consistent with the comprehensive sewage program of the municipality as contained in the official plan.
- (5) The plan does not meet the consistency requirements of § 71.21(a)(5)(i)–(iii).

Check List dated 6/29/22 signed by Robert Corby remains with unanswered question marks.

Section 3 Onlot Disposal of Sewage page 2 Public Water...agreement is cancelled

Page 3 #3. **..Marginal Conditions for on lot sewage are present...soils. Martinburg Formation**

Unsuitable Soils were pointed out as unsuitable in the public hearings as unsuitable and the 15 page testimony of the Delaware River Keepers environmental Attorney confirms that as well as detailed testimony provided at both PADEP HEARINGS

#4 Wetlands not adequately address

Page 4 Section H is Blank #1 and #2

Section I Alternative Sewage Facility All Inknown--- hydrogeological preliminary and final and retaining tanks and treatment systems

page 6 All blank

9/1/22 Page 18 questions 7,8,9 and 10 were answered by Max Russick which is inappropriate

Page 20 ..blank..municipal actions

Page 27 Summary Comparisons of other warehouses is no longer appropriate as stated in Chris Knoll's letter.

Page 33 LCA Agreement terminated

Page 37 Long Term Management Agreement particularly section 3 through 18 place Lowhill Township in dangerous and

unknown position of potential cost and liabilities

Page 43 Sewage Planning Module 4A Municipal...all questions are blank / 4B County also blank

Page 66 Bog Turtle 4 streams, Open Water, #6 Sites c,d,e,f and k suitable sites for Bog Turtle

Page 71 Map- Wetlands, Streams and severe slopes

Page 73 USDA Custom Soil Resource Report for Lehigh County / Bedrock at 18 inches / Farmland surrounding of State wide impact



**Jack Iannantuono, ChFC<sup>®</sup>, MSFS | Indicon, Inc.**

**Chief Executive Officer**


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Reasons to Recommend Not to Sign and Deny Component 2 Sewage Facilities Planning Module  
for  
2951 Betz Court Site

1. The public water contract referenced in subject Sewage Module has been cancelled by Lowhill Township.
2. Lowhill Township has never allowed residential or non-residential development to occur without same development having an approved primary and secondary sewage handling site for any minor or major development.
3. The Township has never and should not enter into any sewage management agreement. Such action will set a dangerous precedent for both residential and non-residential development which may pose an unintended hazard to nearby residential water wells. Moreover, Lowhill Township has no ability to manage or enforce such an agreement.
4. The potential precedent mentioned in # 3 above is completely inconsistent with the basis of the Township's ordinances which are but not limited to maintaining the rural / historical nature of the Township.
5. The eventual tenant of the proposed warehouse is not known at this time. Therefore, the Developers data concerning the number of employees and related daily water usage is completely speculative. This reality makes it impossible to accurately assess the impact of subject Sewage Module and related inability for Lowhill Township to enter into the requested Sewage Management contract.