

ROSS TOWNSHIP PLANNING COMMISSION

MONTHLY MEETING

July 15, 2025

The Ross Township Planning Commission Meeting, scheduled for July 15, 2025, was called to order by Chairman Roger Christman at 6:59pm. The meeting was held at the Township Municipal Building.

In attendance were the following Planning Commission Members: Chairman Roger Christman, Vice-Chairman Rick Meixsell, Lauri Lapping, Roger Green Jr, David Labar and Frank Piraino Jr.

Planning Commission Member Herb Stecker was absent.

Also in attendance were Attorney Michael Gaul, of the King Spry Law Firm, Planning Commission Solicitor, Township Engineer Russ Kresge and Alternate Township Engineer Tighe Meckes, from Keystone Consulting Engineers.

COMMUNICATIONS:

Chairman Roger Christman stated there had been outside communication received by the Planning Commission from the King Spry Law Firm along with communications on all of the proper plans.

APPROVAL OF MINUTES:

A motion to approve the minutes of the June 17, 2025 meeting as presented was made by David Labar and seconded by Vice-Chairman Rick Meixsell. The motion carried unanimously.

OLD BUSINESS:

Catherine Andrews – Land Development Plan – Extension Expires 8/4/25

Attorney Gaul stated that Attorney Joe Weismeth was present and asked him if any others would be attending the meeting. Attorney Weismeth responded that Daniel Saunders would also be attending, but was not yet present, and that he was fine with the Planning Commission proceeding with consideration of the Plan.

Attorney Gaul asked Attorney Weismeth if there was anything more they would like to add in regards to the proposed Plan. Attorney Weismeth stated Plan Engineer Chris McDermott had submitted the revised plan and that they had seen the comment letter from Engineer Tighe Meckes. He further stated they are scheduling an Appeal Hearing with the Zoning Hearing Board and that they had been in communications with their Solicitor in regards to difficulties finding a suitable date that enough Zoning Hearing Board Members would be able to attend. The goal was to have a meeting scheduled for August and Attorney Weismeth had recently sent written notice that his client would be willing to extend the deadline for a hearing into September. He then stated the current deadline for a Township decision on the plan was through August 4, 2025, which meant that his client would have to extend the deadline again.

Attorney Gaul asked if an extension was going to be submitted this evening, to which Attorney Weismeth responded he was hoping to finalize the decision with his client as he did not know why he was not at the meeting yet. It was stated the next Board of Supervisors Meeting will be on August 4, 2025, the day the extension expires. Attorney Weismeth stated they would be attending and then asked if the Planning Commission would accept an extension request signed by him on behalf of his client. Attorney Gaul stated he did not see a problem with this as long as Attorney Weismeth was an authorized agent. Attorney Weismeth stated that, as the applicant's attorney, he was his authorized agent.

Attorney Gaul then stated this was the last regular meeting of the Planning Commission before the extension would expire so, if no further extension was granted, the Planning Commission would need to take action this evening. If an extension was given, the Planning Commission would have the option to table the matter to allow the applicant additional time to supplement the plan. He then stated he was not surprised that the Zoning appeal had not been resolved yet because it would take some time to schedule a hearing date, and for the Zoning Hearing Board to issue a decision.

Mr. Saunders then arrived at the meeting.

Attorney Gaul continued that the Stormwater Plan had not been updated with computations for Engineer Tighe Meckes to review for any further requirements that may need to be added to the Plan and that it would be up to the applicant if they would be seeking an extension that evening.

Attorney Weismeth stated that they would like to remind the Planning Commission of a statement made at the May Meeting that it was believed that the Planning Commission would make a recommendation for June, which did not happen. Attorney Weismeth stated he and Engineer Chris McDermott are both in agreement that the Plan would not be able to be approved without Township Engineer approval of the Stormwater Drainage calculations and satisfaction of the engineering requirements. He then stated the only outstanding item that had not been agreed to was the results of the Zoning Hearing Board, and requested the Planning Commission either make a recommendation for denial of the Plan or to make a recommendation of conditional approval which would include Engineer review and approval of the Stormwater Calculations along with relief being granted from the Zoning Hearing Board.

Attorney Gaul responded that it had been made clear that the ability for the Planning Commission to have made a decision for the June Meeting was based on the applicant being able to complete and submit the Stormwater Calculations to the Township, which did not occur. Attorney Weismeth stated that was not the case and that it had been previously recorded they were wanting to hold off on the Stormwater Calculations to avoid additional expenses until other outstanding items had been cleared. Attorney Gaul stated he had a different recollection of the discussion and that it was ultimately up to the Planning Commission to decide.

Attorney Weismeth asked Engineer Tighe Meckes, and stating he did not have to answer, if it had been discussed, and tentatively agreed on, that the Stormwater Calculations had to be approved by him and that the review could be completed at a later time. Engineer Tighe Meckes answered that the calculations would need to be approved by the Township, but that he did not know what timeframe had been agreed upon for when they would be submitted and that he had known that they were facing issues with getting measurements due to increased rainfall. Mr. Saunders confirmed they had been having issues with the weather and then scheduling to make a couple week turn around work to have all items submitted along with the issue of the Zoning Hearing Board.

Chairman Roger Christman stated the discussion had been that the Stormwater would be completed prior to the Planning Commission making any approvals. He further stated the current number of conditions that would need to be added to the Plan was not at a satisfactory level to present to the Board of Supervisors. Mr. Saunders stated comments from Attorney Gaul's letter had been added to the Plan and that there were no items from the review by Engineer Tighe Meckes in regards to the Stormwater and asked if there were additional notes that should have been added.

Attorney Gaul stated a note had not been done properly, and there was another note that had not been added, further stating the main item would be for the Planning Commission to be able to confirm that all Stormwater Ordinances had been complied with.

Chairman Roger Christman stated the Planning Module was not complete. Mr. Saunders asked what items had not been completed as there was a letter submitted to the Board of Supervisors, which was confirmed the Planning Commission had not received, which stated they should be able to move forward with the Plan. Secretary Melissa Monaco stated she would go and see if she was able to find a copy of the letter.

Attorney Weismeth addressed Attorney Gaul in regards to a letter Attorney Gaul had sent dated June 24, 2025 which reference the Planning Commission voting to recommend that the applicant be allowed to delay submission and approval of an Erosion and Sedimentation Plan until a Building Permit had been applied for. He stated that, in his experience, there was no difference in the Township review process between the E&S Plan and the Stormwater Plan.

Attorney Gaul responded that when the applicant requested delay of E&S plan approval, the applicant represented that the impervious surface that was to be added was only approximately 3,500 sq ft, but now the applicant was representing that the additional impervious surface would be 8,000 sq ft, which triggers application of the Stormwater Ordinance. Mr. Saunders stated this change was the result of other requirements of the Township they had to fulfill that they were unaware of at the beginning.

Attorney Gaul then stated the fourth comment of his letter had not been added and the fifth comment was not done correctly. He then stated there had been previous discussion over whether improvements would be done before or after the Land Development approval. If being done after, there would need to be Improvement Agreements, Cost Estimate and Financial Guarantee completed.

Attorney Gaul stated that the Stormwater Ordinance is clear that approvals are not to be issued until the Stormwater Plan has been approved. Attorney Weismeth stated they were requesting either a recommendation for conditional approval or recommendation for denial. Attorney Weismeth stated the Planning Commission seemed opposed the application so they did not feel hopeful of receiving a recommendation of approval from the Planning Commission so they were asking for the denial to move on. Attorney Gaul stated there is an obligation under the Stormwater Ordinance that has not been complied with since the start of the application as the applicant is wanting to postpone costs. Mr. Saunders responded it was not about postponing the cost, but more about if the Zoning Hearing Board denies them then it would be an unnecessary expense.

Attorney Gaul continued the Planning Commission's responsibility is to review plans before being presented to the Board of Supervisors and that the requirement of needing the Stormwater Calculations was known since at least October 2024. The Planning Commission voted to only delay continued review of the plan until the Board of Supervisors resolved the issue with the road, at which point the Plan was to be brought back before the Planning Commission for review.

Chairman Roger Christman asked if they would be providing an extension this evening. Mr. Saunders stated he would not be so Attorney Gaul stated the Planning Commission would need to take action that evening. Vice-Chairman Rick Meixsell stated they had said earlier they were willing to extend into September for the Zoning Hearing Board, but now do not wish to request an extension. Chairman Roger Christman stated the Planning Commission also had the option to take no action and pass the Plan to the Board of Supervisors in regards to an extension as they would not be able to make a

recommendation with the current number of conditions that would need to be included. It is the responsibility of the Planning Commission to have items reviewed and in order before a plan is before the Board of Supervisors for approval or denial.

Attorney Gaul stated that, if a recommendation of denial were to be made, the reasons for the recommendation should be specified including the issue with Zoning and Stormwater Management Ordinance compliance under the SALDO. Under Stormwater Management, the applicant had failed to provide testing and calculations to support the design of the stormwater management facilities. Under the Zoning Ordinance, the Plan does not comply per the Zoning Officer's determination in the June 2, 2025 letter. Attorney Gaul also stated there were items from the Engineer's letter which were reviewed. He then referred to the comment regarding the HOP that Mr. Saunders had provided an email from PennDOT. When asked what had been discussed with PennDOT, Mr. Saunders stated he explained everything to the PennDOT official regarding his plans. He also stated that someone from the Township had reached out asking about if a HOP was needed for the Plan, per a letter read at a Board of Supervisors Meeting, which he was told was not true and that the HOP would not be needed. Chairman Roger Christman stated that the Township could still require a HOP even when connecting to a state road.

Attorney Gaul then referred to his next comment about the note required by the MPC and the SALDO in regards to access to a state road. The language of the note added to the Plan was not considered consistent with the MPC with the main concern being the increase of traffic accessing the state road instead of work being done, or not being done, in the right of way.

Attorney Gaul stated his comment in regards to a restrictive covenant for no Building Permits or Certificates of Occupancy to be issued until the Township approved the E&S Plan had not been added. He also stated there was language added that was not done correctly about the covenant to have permanent maintenance of Elmer Drive in place. With this, the Planning Commission could list failure to meet comments 3-5 provided by Township Solicitor Attorney Gaul as another reason for denial.

Attorney Gaul confirmed with Mr. Saunders that he planned to complete improvements to the road after approval had been granted. Attorney Gaul stated an Improvement Agreement would then need to be signed along with Financial Security and a Cost Estimate. Attorney Gaul stated this was listed in his comments, but did not need to be listed as a reason for denial at this time. It should be a requirement for any approvals in the future if that were to occur.

Attorney Gaul then asked Planning Commission members if there were any other proposed reasons to list for denial of the Plan. He stated there was not currently an approved Planning Module for the property, which would be a normal condition for approval, so that could be listed as an additional reason of denial. Mr. Saunders stated the SEO said it would need to be signed by the Planning Commission before it could be submitted for approval. Attorney Gaul stated he was not sure as he had not seen a fully prepared module before. The one he had seen previously had not been signed and approved to show the Plan was consistent with all Ordinances, and stated that Engineer Tighe Meckes would still need to review the Planning Module for approval.

After asking if there were any further comments, Attorney Gaul stated that, if the Planning Commission were to recommend denial of the plan, the four reasons for denial of the Plan were as follows:

1. No calculations had been provided in support of the Stormwater Management Plan in accordance with the Stormwater Management Ordinance of the SALDO.

2. The Plan is not in compliance with the Zoning Ordinance per the Zoning Officer's determination letter dated June 2, 2025.
3. The currently submitted Plan does not satisfactorily address comments 3-5 of the Township Solicitor's letter dated June 24, 2025.
4. The DEP Planning Module has not been approved by the Township Engineer and is not consistent with the Township Land Use Ordinance at this time.

Vice-Chairman Rick Meixsell stated he was willing to read the reasons to make a motion for denial and Attorney Gaul stated he wanted to make a comment in regards to the requests for waivers which had been addressed. The requested waivers included:

1. The delayed submission of the ES PC Plan until the time that the property owner applies for a Building Permit. This had been voted on and approved.
2. A Preliminary Plan should have been filed first for a Land Development Plan, but had been voted on to waive the requirement so that there would only be a final Plan submission, as long as it met all requirements.
3. In regards to not requiring a 50ft right of way to a private access road, which had been cleared by the decision of the Board of Supervisors.
4. Not requiring Stormwater submission with the preliminary Plan submission. Applicant was to address Stormwater Management with the Board of Supervisors. This waiver request was denied.
5. In regards to Section 1004.A.3 to allow access on an existing private street for more than one residence, which had also been previously addressed.

With all waiver requests having been previously addressed, Attorney Gaul asked if there were any further comments and asked the Planning Commission if any would like to take action on the Catherine Andrews Plan.

Vice Chairman Rick Meixsell made motion for denial of the Plan for the following reasons:

1. Calibrations for Stormwater Management had not been updated.
2. Documents supplied by the Zoning Officer
3. Comments 3-5 from the Solicitor's letter not being addressed
4. Need for an updated Planning Module

Attorney Gaul restated the items for denial as:

1. Failure to provide a narrative, including computations, to support the design of the Stormwater Management Plan per the Stormwater Management Ordinance under the SALDO
2. Failure to comply with the Zoning Ordinance as per the Zoning Officer's determination letter dated June 2, 2025
3. Failure to satisfactorily address Township Solicitor's comments 3-5 from letter dated June 24, 2025
4. Failure to have DEP Planning Module approval at this time

Vice Chairman Rick Meixsell agreed with the restatement of his motion. The motion was seconded by Lauri Lapping and passed unanimously.

NEW BUSINESS:

1652 Bonser Road – New Submission

Chairman Roger Christman asked if someone was present for Bonser Road to come forward and then confirmed with other members of the Planning Commission that everyone was able to view a copy of a map for the submission.

Chairman Roger Christman stated the applicant had been before the Planning Commission previously about adding a second house to the same property, but has instead decided move forward with a Subdivision Plan instead.

Attorney Gaul stated the property was subject to a prior Subdivision Plan and asked if the applicant had a copy of the Plan and reviewed it. He also asked the Planning Commission if they remembered. Vice-Chairman Rick Meixsell stated the applicant had been there previously about building a second house to which Attorney Gaul stated he saw there was a prior subdivision when he reviewed the deed from 1984. He stated he was asking as sometimes there may be notes and comments for future plans that may need to be reviewed.

When Chairman Roger Christman asked what the applicant's future intentions were, he stated he was unsure currently and just looking to divide the property to have options if he were to sell in the future. The applicant also confirmed the property is in Clean and Green so the required 10 acres would need to be maintained. Attorney Gaul stated he had asked Engineer Tighe Meckes about requirements of a Planning Module and then asked if the proposed subdivision would meet the requirements for an exemption. Engineer Tighe Meckes stated it was being looked into for the 10 acres and the Zoning requirements. There would need to be testing for the location of the primary system with the question also arising if the right of way would be included in the required 10 acre minimum or if additional land would need to be reserved to satisfy Clean and Green. Planning Commission members recommended that the applicant confirm with the Tax Assessment Office the requirements to remain in Clean and Green.

Attorney Gaul asked Engineer Russ Kresge if a Planning Module would be needed. Engineer Russ Kresge responded that it would be up to Ryan and Engineer Tighe Meckes stated there were items that needed to be confirmed. One being if a Planning Module was needed and the other being if the property needed to be tested along with if it would need to be exempt.

Attorney Gaul stated he believed a Planning Module would be needed, but would need to wait for confirmation. He then asked if a proposed driveway location was listed for the second lot to which the applicant stated there was not. Engineer Tighe Meckes also confirmed a location had not been chosen yet, but that it had been discussed there should not be an issue finding a suitable location that would meet sight distance requirements. Chairman Roger Christman stated a driveway would not need to be constructed in order to obtain subdivision approval, but that they would need to be able to demonstrate where one could be added with proper sight distances in the future and asked if there were any further questions.

Frank Piraino Jr made a motion to accept for review. The motion was seconded by Roger Green Jr and carried unanimously.

Gateway Industrial – New Submission: Lot Consolidation Plan & Land Development Plan

Prior to discussing the Plan, Attorney Gaul wanted to make a statement.

Attorney Gaul introduced himself as the Township's Planning Commission Solicitor with the King Spry Law Firm. He stated a recent attorney to be associated with their Firm is Attorney Joseph Zator who has done work in the past for the JG Pertrucci Company. Attorney Gaul stated he wanted to share this as the company is noted as a "developer" on the Plan, Petrtucci, however, is not the owner of the property, or the Plan applicant. The owners are listed as Neil and Ty Scott, who are not represented by the Firm. The

applicants are listed as JERC Partners LI and PD Route 1115 LLC, who are also not represented by the Firm.

Attorney Gaul further stated while the only work Attorney Zator is currently doing with a JG Pertrucci Company associated entity is a separate entity developing a project in Allentown. Attorney Zator is not involved in the Gateway Industrial project. Attorney Gaul nonetheless wanted to disclose Attorney Zator's prior work with Pertrucci for the sake of transparency and in case the Township would wish to seek other counsel.

After this, Brian Weidaw came before the Planning Commission on behalf of JERC Partners and Ty Scott to discuss the development of 155 Rte 115 for which they had submitted both a Lot Consolidation Plan and Land Development Plan. He stated there are currently three parcels that they would like to consolidate for a total of about 38 acres, 29 acres of which are within Ross Township with the rest in Hamilton Township.

For the Land Development, they are proposing a 306,000 sq ft building that would be roughly 850ft by 360ft which would also have parking on either side along with truck docks containing 43 trailer spaces for storage. There would also be public water service from the state and onsite septic.

Mr. Weidaw also stated there are currently two wetland areas, which have been delineated, which cross the property line and two driveways, one of which would be for trucks and the other for employees.

Chairman Roger Christman stated Engineer Russ Kresge had reviewed the Plans and that they would discuss the Lot Consolidation of the three lots into one first. When Chairman Roger Christman asked Mr. Weidaw how many plans he had brought, he stated he had only brought three or four to the meeting. Secretary Melissa Monaco confirmed items needed to review the Lot Consolidation Plan were available and helped to disburse to the Planning Commission to look over.

Engineer Russ Kresge stated he had reviewed the Plan for completeness and in his letter, dated July 11, 2025, for the Lot Consolidation Plan he had explained what items were complete and listed any items that would still need to be completed along with when and how the Plan had been properly submitted. A second comment was in regards to the information and documents required by the checklist which had been generally provided along with a note in regards to what would be required for the portion of the property that lies within Hamilton Township. Engineer Russ Kresge also stated there may be an impact on building setbacks to allow for proper dedicated space to the Township for the possibility of future road widening. It is of his opinion that the Plan is substantially complete and can be accepted for review.

Roger Green Jr made a motion to accept for review. The motion was seconded by Vice-Chairman Rick Meixsell and carried unanimously.

For the Land Development Plan, Engineer Russ Kresge stated he followed the same procedure with some additional comments. The first comment was in regards to the Plan needing to be submitted in accordance of Section 505, which he had discussed with the Engineer about. His second comment was that the Plan had been properly submitted in accordance with SALDO section 502.B.1, and the third being in regards to an application having already been submitted to PennDOT for review. The fourth comment stated the requirement that copies of the Plan were to be distributed to adjacent municipalities, Hamilton Township and Wind Gap Borough, so they would opportunity for advisory review. He continued with stating the applicant had provided a copy of a receipt proving the Plan had been submitted to the Monroe County Planning Commission and that the Planning Modules were being

prepared to the requirements of PA DEP. Due to the size of the system, DEP would need to be directly involved in the permitting. Next was that, per Section 503B, the documents and information required had been generally provided. The eighth comment included that the initial fees collected by the Township were low at this point, but that there is a note stating those fees in excess of the initial Fee Schedule requirement would be the responsibility of the applicant and he recommended the creation of a proper Escrow Account.

In regards to Zoning, Engineer Russ Kresge stated the Plan may likely need to be submitted to the CJERP Regional Planning Commission for review and comment, so the applicant, or someone from the Township, would need to submit for determination of whether the Plan is of Regional Significance. Attorney Gaul stated the Planning Commission should require, as a condition of acceptance, that the Plan would be submitted to CJERP. Engineer Russ Kresge also stated they would need to wait for determination from the Zoning Officer that the Plan is consistent with the prior ZHB decision and Township Zoning Ordinances.

With these notes, Engineer Russ Kresge stated the Plan was substantially complete and could be accepted for review with a possible condition for the CJERP Submission. Chairman Roger Christman stated it would need to be determined if the county was submitting to CJERP for review.

Attorney Gaul asked who the applicant was on the PennDOT HOP application. Mr. Weidaw said he was not sure off the top of his head. Attorney Gaul stated that the reason he asked was because sometimes the municipality needs to be listed as the applicant on a HOP application, and if that was the case here, the Township may require an Indemnity Agreement before agreeing to serve as the applicant. Engineer Russ Kresge stated, from what he had seen, there were no items that would require the Township to be listed.

A motion to accept the Plan for review, with the condition that the Plan would be submitted to CJERP for review, was made by David Labar and seconded by Roger Green Jr. The motion carried unanimously.

Chairman Roger Christman stated that a letter should be written to the Board of Supervisors to establish an amount of \$10,000-\$15,000 for Escrow.

Vice Chairman Rick Meixsell made a motion to recommend a requirement of an Escrow account be created for Gateway Industrial Projects through the Board of Supervisors in the amount of \$10,000-\$15,000. The motion was seconded by Lauri Lapping and carried unanimously.

Chairman Roger Christman asked Secretary Melissa Monaco to write a letter to the Board of Supervisors from the Planning Commission in regards to the Escrow recommendation.

OPEN TO THE PUBLIC:

Cary and Jim Fitzgerald came before the Planning Commission to state they had recently moved into the area and were looking for information on the possibility and requirements of subdividing some of their 8.77 acre property, located at 376 Rte 115, for a home for their daughter.

Attorney Gaul stated they would need a surveyor or engineer to assist in the subdivision. Mr. Fitzgerald stated they had the property surveyed when they purchased it as it was originally listed at 9.11 acres, but was found to be only 8.77 acres. Attorney Gaul further stated a good starting point for them would be to contact the same surveyor again and that they may also want to talk with the Zoning Office for any other requirements.

Chairman Roger Christman stated that the minimum lot size in the R1 Zoning District was 1 acre.

Secretary Melissa Monaco also let them know that Chairman Roger Christman had an application for subdivision available for them that evening which he provided.

Engineer Russ Kresge stated the surveyor would need to survey the entire property. As a result, it would be best to contact the surveyor who had done the most recent survey. Mr. Fitzgerald then asked if they would need to have a builder involved to determine the best placement of a house. Attorney Gaul stated they would need to be able to show where they would have access to a public road, which would need to go through PennDOT. When the Fitzgerald's asked about using and extending the current driveway, Planning Commission members stated that that design would not be the preference, but it would be up to the Fitzgeralds what they proposed for the Plan.

Attorney Gaul stated another issue would be the Septic Plan as where the soil would be good to install another septic unit would also be a determining factor for where the house could be positioned on the property. The applicants stated it could be looked into as they would be looking into the potentiality of changing from the current cesspool being used for the property.

When the issue of a driveway extension was brought up again, Chairman Roger Christman stated if they were to use a shared driveway, ownership and maintenance agreements would need to be created. Howard Beers stated that this would be against Zoning as the lot would not abut the road. Vice-Chairman Rick Meixsell also stated the issue of the minimum amount of sight distance that would be required.

Engineer Russ Kresge stated they should contact the surveyor to provide a copy to the Township to begin as there are several steps they will need to go through. Mrs. Fitzgerald then also asked about building on the property, like a manufactured shed. It was confirmed that they would need a Zoning and Building permit depending on the square footage.

Mr. Fitzgerald then asked if there was any way to contact the owners of the house next to theirs which had burned down. Mr. Beers stated that he knows the owners and that they are planning to rebuild and that he could ask for them if the owners would be at all interested in selling as their rebuilding became a larger project than originally planned.

There were no further public comments.

At 8:20pm, Chairman Roger Christman made a motion, seconded by Lauri Lapping, to enter an Executive Session to discuss legal matters with the Township Solicitor. The motion carried unanimously.

At 8:31pm, Chairman Roger Christman made a motion to return to the meeting from Executive Session. The motion was seconded by Vice-Chairman Rick Meixsell and carried unanimously.

Chairman Roger Christman made a motion to recommend to the Board of Supervisors to either use Chestnuthill Township or Jackson Township's prepared Ordinance for Data Centers to be incorporated into Ross Township Zoning Ordinance. The motion was seconded by Lauri Lapping and passed unanimously.

PENDING:

None

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:33pm. The motion to adjourn was made by Frank Piraino Jr, seconded by David Labar, and carried unanimously.

Respectfully Submitted,

Lizzy Stortz

Temporary Recording Secretary