

**I. OPENING**

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Announcement of Executive Session (if applicable)

**II. PUBLIC COMMENT PROCEDURE**

**III. TOPICS OF DISCUSSION**

- A. Subdivision & Land Development Ordinance (SALDO) Revisions
- B. Impervious Coverage Discussion
- C. Riparian Buffer Discussion

**IV. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

**V. COUNCIL & STAFF REPORTS**

- A. Township Manager
- B. Council/Jr. Council Member
- C. Solicitor
- D. Engineer
- E. Planner

**VI. ADJOURNMENT**

Next EAC Meeting: May 11, 2010  
Next Zoning Hearing Board Meeting: May 17, 2010  
Next Council Meeting: May 19, 2010  
Next Planning Commission Meeting: May 20, 2010  
Next Park & Rec Meeting: June 7, 2010

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**I. OPENING**

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Announcement of Executive Session (if applicable)

**REVISED**

**II. PUBLIC COMMENT PROCEDURE**

**III. PRESENTATIONS/HEARINGS**

**IV. DEVELOPER ITEMS**

- A. Estates at Saucon Woods – Easton Road – Request Extension to Complete Improvements
- B. Metro PCS – 4105 Sherry Hill Road – Co-location of Antenna – Conditional Use Hearing Decision

**V. TOWNSHIP BUSINESS ITEMS**

- A. Zoning Hearing Board Variance – Smith & Tina Holland – 1860 Clarence Dr. – Request Variance of Rear Yard Setback to Construct Patio
- B. Steel City Park Conceptual Plan
- C. Resolution #46-2010 – Instituting Guidelines for Warrantless Arrests
- D. Ordinance Establishing School Safety Zones – Authorize Advertisement for Public Hearing and Consideration of Adoption

**VI. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of April 21, 2010 Minutes

**VII. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

**VIII. COUNCIL & STAFF REPORTS**

- A. Township Manager
- B. Council/Jr. Council Member
- C. Solicitor
- D. Engineer
- E. Planner

**IX. ADJOURNMENT**

Next Council Meeting: May 19, 2010 @ 7:00 p.m.  
Next EAC Meeting: May 11, 2010  
Next Zoning Hearing Board Meeting: May 17, 2010  
Next Planning Commission Meeting: May 20, 2010  
Next Park & Rec Meeting: June 7, 2010

**I. OPENING**

**CALL TO ORDER:** Mr. Kern said since Mr. Maxfield isn't here yet, they are going to start the meeting informally. When Mr. Maxfield arrives, they will officially open the meeting. This is truly an informal special session since there is no quorum. We're here to listen to what you have to say to us.

**III. TOPICS OF DISCUSSION**

**A. SUBDIVISION & LAND DEVELOPMENT ORDINANCE (SALDO) REVISIONS**

Mr. Kern said Staff was requested to review the current SALDO and to recommend revisions where necessary in order to be compliant with recent ordinances and to rewrite/update areas that conflict with our ordinances or any outside agency guidelines. Boucher and James and Hanover Engineering have been working together on these revisions and their work is outlined in the memo from Judy Stern Goldstein dated February 9, 2010.

Ms. Stern Goldstein said she wrote a memo dated February 9. Several years ago, they were asked to get involved with the new subdivision land ordinance for the Township. At that point, they were working with a committee and it was the desire of the committee to bring in the model that Terry Clemons, who is the special solicitor for Open Space, had used at other municipalities. It really is changing the whole focus of the SALDO to require a four step approach to planning and design and to require certain elements be provided to show that the person or applicant has gone through the four step approach. It's basically making sure that the areas of the site that need to be preserved based on our resource protection regulations and on good common planning sense are preserved and those areas are preserved first. The area site in which building should occur is the area in which building would occur, so you look at the resources first, take out the open space, lay out potential lots and home sites where they make the first sense, then put the roads in. That's the four step approach. That's the way the SALDO was written. It does require more of an applicant at the time of preliminary plan admission. The ordinance is written to encourage that most of that information comes into the Township at sketch plan stage so the applicant can get the most feedback from the Township before they spend really hard dollars on significant engineering. That's the big thing, and it's a whole different thrust and emphasis in the ordinance to really looking at design and planning the way it should be and the way we'd like everyone to do it anyway and the way we encourage people to do it or demand as they have to do it that way. In going through the ordinance, some things were very simple to enact changes and other things we went back and forth with Hanover and brought them in on all the design standards. Boucher & James did the basic chapters, brought Hanover in when they were going through design elements and performance standards, and then they had a series of meetings once or twice a month for over a period of five months. At the end of those meetings, it became apparent there were some things that they really needed Council direction on. Some things were policy decisions, and in order to move ahead and tie this up, they need some input on the policy decisions. She had a list of items for discussion. Some of them are probably easier than others. Some of them are just a yes or no. Others require some thought and some you might not have answers to this evening and need to think about. Others you might have answers right off the top of your head.

Ms. Stern Goldstein said the first one deals with cul-de-sac streets within the Township. The maximum length of cul-de-sacs in the current ordinance. The minimum required length is 250 feet. The maximum permitted is 600 feet. The maximum number of lots permitted on a cul-de-sac with the current ordinance are seven dwelling units or four non-residential lots with 100 employees or greater. In the draft ordinance, and based on the model we used, the draft was 250 feet minimum, the same as minimum length, going up to 800 foot maximum, giving a little bit more flexibility on

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the cul-de-sac length to have proper placement of lots. When you start dealing with the resource protection first, some parts of the road become single loaded. Also, permitting up to 20 dwelling units on a cul-de-sac, that's based on planning standards and basically what you can handle on an individual road. The cul-de-sac's are the lowest order of streets within the Township. They are up there with stub streets, which aren't preferred, but there are some left. The current ordinance is 600 versus the 800 and they thought they were significant enough to bring to you. Wrapped up in that, just to do cul-de-sac as one chunk, minimum required right-of-way at the bulb of cul-de-sac streets, the current ordinance is 112 foot right-of-way which is a diameter at a 90 foot paved diameter. The draft they were looking at was a 62 foot radius or 124 foot diameter and a paved radius of 50 feet or 100 foot diameter. They were larger, but that would also permit a bulb in the center. This would boil down to do you want to permit bulbs in cul-de-sacs. You do have a couple of cul-de-sacs in the Township that were proposed as tear dropped or oversized. They become an issue with snow plowing. Roads Departments traditionally hate an island in the middle of a cul-de-sac. Going with best management practices, sometimes they create opportunities for more storm water management in non-traditional type settings by having that bulb. A bulb also then asks the question, who is maintaining it. Usually a HOA is not the preferred method. It's usually one lot owner and that owner gets a special lot that has the bulb. Depending who the lot owner is, it's usually maintained very well or it's not maintained at all. These are all questions that come together in the realm of cul-de-sacs. We're looking at length, number of lots, rights-of-way widths, and bulb or no bulb. Even if you want to say bulbs are not permitted, you could always waive that requirement for special circumstances. That's the first topic of conversation.

Mr. Kern said the cul-de-sac length is actually increasing? Ms. Stern Goldstein said it is increasing in the draft and the one they have proposed. Mr. Kern said can you explain the rationale for doing that? Ms. Stern Goldstein said giving some more flexibility and design and because sometimes when you are looking at the resources first, it is necessary to have a single loaded street, especially some of the cul-de-sacs. Mr. Kern said what is single loaded? Ms. Stern Goldstein said lots on one side. You might have a resource protected area on the one side, so you are coming up and siting homes, and with only 600 foot in length, it doesn't give very much flexibility and design to do some of the right things. Mr. Kern said you would have to have houses on both sides? It's almost like forcing them with the shorter cul-de-sac length to put houses on both sides where it would be in some cases preferable to keep open space on one side and housing on one side. Ms. Stern Goldstein said that's true. The other option, if you want to play devil's advocate, then why have the maximum length at all if it's for flexibility. Her answer to that is you need to have some controls and 800 feet is reasonable. Six hundred feet is reasonable, but it's very short. Eight hundred is more reasonable, but when you get to 1,000 or 1,500 feet, like some municipalities have, that might be too flexible for Lower Saucon.

Mr. Miller said over a decade ago, they were guided towards the 600 feet, so that's what they had. Their primary concern would be the amount of residences from a single access. That's really a matter of having the emergency personnel being able to access. With regard to length, he doesn't see any issues. Mr. Kern said what would the emergency access issue be? Mr. Miller said the more houses you have, the more chances you have for the need of emergency access for emergency personnel to access the home. Just as you would assume if you have an accident or something that would block access to the remainder of the cul-de-sac, the more you load on the single cul-de-sac, the more chances there are if something were to happen to the road and you wouldn't be able to access it. Mr. Kern said 800 feet doesn't sound too threatening for any incidence of that matter.

Mr. Kern said the bulb issue seems to have more problems with having a bulb than not having a bulb. Ms. Stern Goldstein said from a maintenance plan, there's significantly more. From a design point of view, it's nicer to have the bulbs, but she knows most Roadmasters do not like them at all. She thinks you are leading towards no island in the bulb? Mr. Kern said personally he would. You said you could always waive that where you needed a bulb for some type of storm water

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management. Ms. Stern Goldstein said yes, you can waive anything in the SALDO. Mr. Kern said that would be his preference. Mr. Horiszny said he thinks so too, as you have a whole lot of open pavement if you have a circle there with nothing in the middle. Mr. Kerns said his preference in the ordinance was to have no bulb, but then if there was a situation where you needed a bulb, you could waive it. Ms. Stern Goldstein said if that's the case, she would go back to what the regs are right now for the cul-de-sac, the 112 foot right-of-way and the 90 foot at the paving because if you're not having bulb, there's no reason to increase the radius, which would be more paving. The idea was to increase the outer if you are taking the inside out.

Ms. Stern Goldstein said while we are talking about roadways, the next one is the roadway design criteria. This is really getting into the minimum cartway widths for the type of street. We have different criteria for different streets in the ordinance. In the current subdivision land development ordinance, we had eighty foot right-of-ways for arterial or highway, which is a 40 foot paving width. In the draft, we go to a 100 foot right-of-way for major arterial and 80 foot for minor arterial and down to 60 feet for collector. The cartway width would stay at 44 feet for the arterials and for curb and sidewalks required, you could always waive that requirement for sidewalks and curbs. If it's not in there as required, you can't get them later. Mr. Kern said what's the existing on both of those categories? Ms. Stern Goldstein said eighty feet for arterial or highway and forty four feet for the paving widths. We're not proposing changing the paving width, but we're proposing a two-tiered step dealing with the arterials for major and minor. Mr. Miller said the SALDO specifies the 80 whereas the Zoning goes on beyond that and requires 100 feet for the major, so this is kind of cleaning up so the SALDO is consistent with what they've been requiring in the Zoning with regard to right-of-way. Ms. Stern Goldstein said the real thing is the sidewalks and curbs would now be required. When we get down to collector, the standards would be the same as they are now, 60 feet at the right-of-way and 40 feet for paving, but again, curbs and sidewalks would be required. We get down to local streets, and that's when there's a whole sort of menagerie. There's a whole different criteria. It's 60 feet or 50 feet with 36, 32 or 28 foot on the paving width depending on the criteria. That's the current one right now. They were looking at something a little more standard, but they weren't sure how attached you were to the standards you have right now. She'd prefer to see a little less paving. They went down to 28 feet on the paving width in the cluster. Mr. Kern said that was the trend on new projects to minimize the width of the streets. Ms. Stern Goldstein said that was the trend, by still having a 36 or 32 foot width for a local street, that's pretty high on the paving width. Granted if you have 28, you can't say no, I'm requiring 36, but if you are requiring 36 and you don't need it, it's a lot more paving and sort of goes against the state mandate to use BMP's and deal with your storm water management if you are requiring more paving. One of the first things DEP says to do is to reduce your paving width and applicants say they can't, the Township is making them do this. It would be consistent with what your EAC has been doing and with what the Township has done with the Zoning Ordinance for the cluster to bring the local streets down to 28 feet wide. Mr. Miller said there's no problem in going with a smaller width, it's just a matter of how small. For residential, where everybody parks on their own property, you could go much thinner. We wouldn't want to go uncurbed, or allow anything thinner than 28 feet wide, but it would be a concern where you have curbs. When you have cars starting to park along the curb, and then cars passing and you have four cars wide with buffer in between them, so yes, he thinks you could go smaller. There should be provisions for what type of development is surrounding it, or at the very least, we should have some guidelines on where the waivers would be. Ms. Stern Goldstein said she always hesitates to put guidelines and waivers in the ordinance because technically you can waive anything and if there's a guideline, then some applicants think they have the right to that waiver if they meet those requirements. She doesn't want to give anyone ammunition to come and say they have the right to something if in fact they don't. She finds that annoying. Mr. Miller said he's just saying what is being proposed is having a certain width for all local streets and he's saying a standard width won't fit all local streets. For instance, for Heritage, a street there would be different than a street for the Meadows as the density would play a role. Ms. Stern Goldstein said instead of having the current language

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where there is three different criteria, we could start at the 60 foot for non-residential and for density over x amounts and then we can go down to 50 foot right-of-way and possibly a twenty four foot cart way for density below that amount. She's looking at probably one EDU per acre for that threshold. We still wouldn't have access paving. It wouldn't be more than 28 feet. With the 60 foot right-of-way at a 28 foot cart way, you have room for the roadside swales and everything if need be. That's her recommendation, but this is policy, so she wants you to think about it.

Mr. Kern asked if anyone had any comments about this so far? Mr. Johnson said do you have any requirements for shoulders? Mr. Miller said they are considered part of the width. Ms. Stern Goldstein said the criteria they are talking about are the local roads so it would be new proposed local roads and the cross section that are in the design standards will be developed for those design standards and will include a stabilized shoulder if there is no curb. It's part of our design standard right now. On anything new, or fronting on a street that's a local road, that street would need to be improved to meet those standards unless they were waived. When you say shoulder, it could either be a paved shoulder or it could be a stabilized shoulder, per the Township detail. A stabilized shoulder is compacted and crushed stone, sometimes with grass on top, sometimes with stone on top depending on which version they are using. She knows the situation, it's not unusual to Lower Saucon, but many areas have roads that were originally built as carriage paths and they didn't come with stabilized shoulders and they drop right off and they are wet. Mr. Miller said it's also important to note that a 28 foot wide road is significantly wider than some of the 18 foot wide roads that are out there.

Ms. Stern Goldstein said she strongly suggests that no criteria be provided for the waivers. If you agree with that, she'd feel much more comfortable.

Ms. Stern Goldstein said the third part is should alleys and alleys criteria be included in the ordinance? The draft they were going from included alley's as they were anticipating TND type developments coming in and also alleys existed in some of the municipalities where there had been old paper streets in old developments. Lower Saucon is unique as you don't necessarily have alleys as named alleys, but you do have a number of streets that are unopened or functioning as alleys. You don't have any criteria for the new alleys. She wasn't sure if you are trying to do away with alleys that existed or if you wanted to permit that option for alleys. It's a double edge sword because alleys by nature add more impervious, which we want to eliminate. If you go to a more dense neighborhood, alleys are a plus because they take a service end off the streets and present a much nicer streetscape. Mr. Kern said how many potential traditional neighborhood developments could we have? Ms. Stern Goldstein said you are not in the hotbed area for that but you could have something coming off of Hellertown. Any one of the parcels that are undeveloped, in theory, could come and want to do something like that. In this region, it's not quite as likely, but it's a little bit more forward thinking if it's adjacent to a borough. Mr. Cahalan said that was suggested in the multi-municipal comprehensive plan and we did introduce that in the area surrounding Hellertown. Ms. Stern Goldstein said it would sort of be a continuation of the street pattern of the existing pattern into the Township what the development patterns, but a TND would also include some civic space or some non-residential space or some pocket parks and courtyards. She really only sees it happening adjacent to the borough. Alleys are something you don't have to include now, but it's something you should think about it so you can be consistent with the comp plan. It's something that traditionally Public Works departments hate. Mr. Kern said is it something that wasn't included in the ordinance that if a plan came in with an alley, it could be permitted? Ms. Stern Goldstein said you could essentially waive your street standards for those types of streets if it made sense.

Ms. Stern Goldstein said the current ordinance, for good reason, requires that residential lots that are proposed along arterial collector streets have an additional twenty foot setback with a 10 foot wide, 3 foot high planted berm along that frontage. The purpose of the berm is to buffer the houses

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from the arterial collector street. It makes a lot of sense. The idea of a planted buffer an additional 20 feet makes a whole lot of sense. The requirement for the berm, although made with good intentions, is something that is very detrimental to the site design. A berm doesn't do that much. Yes, you planted a tree on top of it to make it three feet higher, but you plant a tree on top a berm it's not likely getting water, it's likely to die, it's drier because all the water is going down below the surface. Sometimes on many of our streets in Lower Saucon, there's a bank along the road already so the property is sitting up higher than to put a 3 foot berm on top of that and it creates sort of a tunnel effect which isn't desired either. A 3 foot high berm really takes 9 feet to come up on either side, so that's 18 feet and you want to have it 10 foot wide, so you can do the 3 foot high berm if you are going to do it in 20 feet so it's mowable. It's a little problematic and sometimes it actually creates more of an unlivable lot than you would have if you would have just planted something significant along that arterial collector road. They recommend beefing up the buffer requirements for plantings, but doing away with the 3 foot high berms. It's still keeping the traditional 20 feet though as she thinks the rationale for that is still sound. Mr. Kern said you would have specific requirements of what plantings would occur in that and how high? Ms. Stern Goldstein said yes, and also planting size and performance standards. Mr. Kern said do you generally know what that would be? What kind of plants and how tall? Ms. Stern Goldstein said it would require a mix of evergreen deciduous trees. The evergreen would be planted at 8 feet high, minimum 8 to 10 feet, deciduous trees at 2-1/2 inch caliber. It would also require an understory tree requirement which would be the flowering trees and shrubs, evergreen or deciduous, so it would have all three layers, canopy, understory and shrub. It's not going to be a green wall, but it's going to be something more naturalistic replicating more of what you see along roadways anyway. The shrubs then would serve to deal with the headlight issues and the trees would deal with the other issues along an arterial collector. If someone is purchasing a home along an arterial collector, they know that the road is there. Mr. Kern said do you take into account the winter so the shrubbery would still screen in the wintertime? Ms. Stern Goldstein said that's why they have evergreen and deciduous. It's not often she wants to do away with a landscape ordinance, but in this case, the berm is just doing something, although well intentioned, more times than not, ends up hurting the design of the site. We see more dead trees on top of berms than anything else. Usually it's the evergreen trees out there being whipped around on top of a berm.

Ms. Stern Goldstein said the next one gets into something a little more different. The model SALDO we were working from included architectural standards. It's actually Section 521, not 522, which is a typo. It starts dealing with some types of performance standards and then some real architectural standards also. It is saying that access to the property should not cause undue congestion; outdoor storage shall be screened from view; parking shall be to the rear or side of the primary structure of the property so you're not getting parking in the front yards; the property must be landscaped pursuant to a landscape plan approved by Council. Then we get into the exterior wall materials. This is all from the model. It's talking about exterior wall materials and finishes which can be viewed from public right-of-way, shall be consistent with the specific building style, high quality synthetic materials which simulate the original materials will be considered. Walls shall be constructed of one or a combination of the following materials with no four foot by eight foot sheets of siding allowed: stucco, masonry, brick, stone, or wood are permitted but vinyl or aluminum siding may not be used for new construction. This is like pretty big. This has been adopted in several municipalities in Bucks County. It's been challenged verbally and there's always been some kind of working it out. She hasn't seen this issue go to court. It's in the SALDO, it's not in the zoning. She's seen things like this in zoning for conditional use special business campuses and things like that. She's seen it in zoning for big block stores. This is going a little further than you have gone before. It also gets into store front glass no more than 15% of the building faced can be glass. This is all in the model we were asked to incorporate, so she included it in here. Her feeling is its a little further than Lower Saucon has gone before and may be willing to go. She's not sure how you feel about it. Mr. Kern said does this apply to commercial and residential? Ms. Stern Goldstein said yes. Mr. Kern said he can only tell you his own personal feelings. He always thought we should have some form of architectural stipulations on

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developments, but he knows it's always been a thorny issue because you are stomping on some people's rights to put up whatever they want to put up. He's talked to developers in the past, including John Blair, who he thought would be against an architectural review of any sort, and John actually said he was in favor of it. Mr. Kern said he's in favor of it because using quality materials makes the Township look better. He doesn't know how it's going to fly. Ms. Stern Goldstein said the thing to remember, this is for all subdivisions and land developments, so if someone is coming in with an individual residential building on a building lot, this doesn't apply as this is SALDO. Mr. Kern said when does it apply? Ms. Stern Goldstein said any subdivision or land development. If someone is coming in with a residential subdivision, and at the subdivision time if they put these notes on the plans that it holds for this subdivision, but if someone comes in with an individual lot, and they are putting a dwelling on it, this would not apply to it because one dwelling on one lot is not a subdivision or land development.

Mr. Cahalan said you mentioned the parking in the rear, could you explain how that would be met, the garage you are talking about? Ms. Stern Goldstein said this would be parking like surface parking. This would be commercial; although there is something in the ordinance right now that you can't have parking in the minimum required front yard. That's in there already. If somebody is having a driveway and a garage, they have to show that they can meet their parking requirements without being in the minimum required front yard.

Mr. Kern said he remembers when the VNA Hospice plan came in from of the Planning Commission and they wanted to put the parking in the front. He said to them, why don't you put the parking in the back and it will look more like a house, and you could put plantings in there, and then they said, "we could do that". They put the parking in the back, but the only issue that was raised was it increased the impervious coverage. Ms. Stern Goldstein said because they had a longer driveway to get to the back. This may be something you may or may not want to require then because we want to have less impervious and better design. Sometimes they are not working out to all be the same.

Mr. Kern said what do you think of the whole concept regarding what building materials are allowed and others are prohibited? Ms. Stern Goldstein said she's in favor of design standards and high quality design, but she also respects property owner's rights. It's a difficult situation. Each municipality is different, and each municipality is comprised of different individuals, some of which feel more strongly about individual property rights than others, but there is a strong group that believes that zoning in itself is a "taking" issue because you are taking away some rights in theory for the general good, by having zoning. That's taking away some rights and then you start peeling back the layers and soon you've peeled back beyond the critical layer that your municipality can handle. She doesn't know what that critical layer is in Lower Saucon. This is one that sometimes hits the critical layer. In other municipalities, it's "we have to have more control on this", and that's the main emphasis for the municipality. Lower Saucon has many different parts to it. There's the more rural part, the more developable part, there's some parts that have big mansions, and other parts that have very modest homes. These regulations will need to be across the board for everyone. She just cautions that if we go with this, we do it with full knowledge of what it means. Attorney Treadwell said the worst case scenario is that someone in the Township almost gets accused of setting a minimum price on the type of house you can build in Lower Saucon Township. They could say if they can't use vinyl siding on their house, and I have to use wood or something and it costs x amount more, you've almost said to certain people, maybe you don't want to live here if you don't want to use wood which can get you in trouble. Ms. Stern Goldstein said it's clearly not what anyone is trying to say, but she cautions as there is a lot of distance on the economic range in Lower Saucon and she wouldn't want to exclude anyone or preclude anyone from moving into the Township and buying homes which would really be an asset to the community. Ms. Stern Goldstein said we can't treat them differently. Technically, they are each an applicant and developer A could sell lots individually or he could sell them in chunks by selling five to developer B and ten to developer C, one to Joe Homeowner. Once the lots are created,

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they are created. The developer could sell them all or he could build them all or someone else could build them all. We don't have control over that and we can't really regulate them differently.

Ms. Stern Goldstein said if the Township chose to go that way, multi-family dwellings or multiple dwellings could have different standards than single family, but then we run into the same type of thing. If you are going to require a higher standard on a multiple family dwelling when that usually is the lower end of the price point, yet you are going to push the price up, that would be more exclusionary or possibly discriminatory. Attorney Treadwell said construction standards are one thing for safety purposes, but trying to regulate the aesthetics of housing gets a little difficult. He knows one Township where some guy painted his house purple and it drove everyone crazy, but there wasn't a rule against it, but they guy liked it. Mr. Miller said there are some aesthetics that are not necessarily cost related. For instance, in one of his municipalities, they require town homes to be staggered. If you were to have a row of more than four town homes, you'd have to push one of the group of the town homes back four to six feet. Then it's not just a complete wall of houses which is sometimes perceived to have a negative aesthetics. Mr. Kern said some Townships have architectural design review boards? Ms. Stern Goldstein said that's right, but that's usually when there's a historic architectural district. Mr. Kern said is it only for historic or are there Townships that just have architectural review even if it's not historic? Ms. Stern Goldstein said she's only seen them in conjunction with historic. She's not saying there aren't any. The regs that enable municipalities to create historic architectural review boards, she's not familiar with any other than in cities that have different regulations. This is a difficult one in that she's throwing it out to you because it's in the model draft and she wanted to do our job to get it in front of you. She didn't want to strike it. This is one you don't want to sneak under the wire; you want to make sure what it says. She'd like to copy that section from the draft and send it to Mr. Cahalan to circulate it to all of you so you can read what those words are, and then start to address it more. Mr. Kern said okay.

Mr. Kern said they are going to make the meeting official now.

**CALL TO ORDER:** The Special Council meeting of Lower Saucon Township Council was called to order on Wednesday, May 5, 2010 at 5:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

**ROLL CALL:** Present – Glenn Kern, President; Tom Maxfield, Vice President; Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Dan Miller, Township Engineer; Linc Treadwell, Township Solicitor; Judy Stern Goldstein, Township Planner. Absent: Sandra Yerger and Priscilla deLeon.

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)**

**Mr. Kern said Council did not meet in Executive Session between this meeting and last meeting.**

**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

Mr. Kern said this meeting is very informal. This is our first special meeting which is really mostly informational. Any time anyone wants to chime in, please feel free. When you do, please use the microphone so we can get the information for future reference so we know what the concerns are and we

have that information accurately for the minutes. The difference between this meeting and a regular meeting, as we've defined at previous Council meetings, is there will be no votes taken. It's simply information so that we're aware of the information, the public is aware of the information. If there's any input anyone wants to give, we'll all be aware of it. That's the main difference. She'd like to make note that Mrs. deLeon is absent due to family matters and Mrs. Yerger is absent because of work issues.

### **III. TOPICS OF DISCUSSION**

#### **A. SUBDIVISION & LAND DEVELOPMENT ORDINANCE (SALDO) REVISIONS (Continued)**

Ms. Stern Goldstein said No. 5 is mandatory dedication of land for recreation. Right now the current ordinance has a mandatory dedication based on the number of dwelling units. For non-residential the requirement is based on the number of dwelling units that could fit on there if it were residential. That really doesn't tie to the MPC. The MPC says you can require a fee in lieu of dedication or land for dedication of recreation to serve the inhabitants of the municipality of that development. People that work in the Township are also inhabitants as they inhabit the Township during that time, but to base that requirement on the number of dwelling units, there's a disassociation there. The draft included language for non-residential dedication based on the square footage of building. The draft we have right now is 2,000 square feet for every 4,000 square feet of non-residential building or fraction thereof. Basically, it says that every 4,000 square feet of building, you need 2,000 square feet of land dedicated for recreation. If you don't have the land available, you can offer the fee in lieu of that. It's been upheld in many municipalities throughout the state that inhabitants do include the non-residential. Formulas that are based on the square footage of building have also been upheld. This is not an unusually high one. It's higher than some. Some are 1,000 square feet for 4,000 square feet. Some are 10% of the gross site area. If you have a 10 acre site, regardless of how much building you are putting on it, you could have the one acre required. This deals with how much building you are putting on the site, so it relates more directly to what the needs would be for that particular site. For a 100 acre site, if you've only building a 10,000 square foot building, you shouldn't have to dedicate ten acres of recreation. It's a change or departure to what you have now. In this case, what's in the draft makes more sense and it's more defensible. She asked Attorney Treadwell if it seemed more appropriate? Mr. Horiszny said can you describe it this way rather than 1,000 for 2,000 for what reason again? 2,000 square feet for 4,000 square feet is the same as 1,000 for 2,000, right? Ms. Stern Goldstein said it is. It's or fraction thereof. If you went 1,000 for 2,000, every time you had a fraction over an increment of 2,000, you had to go up to another thousand, so by going 2,000 to 4,000, you don't jump up at 6,000 and again to 8,000. That's what that rationale was. It's the same ratio, but it's where you jump up. She asked if that made sense? Mr. Horiszny said it does. The next question is how do you translate that back into money? Do you take an average land price or per acre? Ms. Stern Goldstein said they have the assessments per acre. The same way residential is as residential is based on acreage also. It's based on the acreage of developable land within the Township and it all goes back to what the land cost is per acre. The second part is they recommend the reference to the fee itself be stricken from the SALDO and just have it adopted by resolution each year. As the real estate climate changes, you have the ability to adjust it based on the resolution. It should always be based on what the cost of land is. It should not just be an arbitrary number. It can't really be an arbitrary number, and it never has been.

Mr. Maxfield said what date would that dedication be based on? Would it be based on the initial application or would it be based on when the plan was recorded? Ms. Stern Goldstein said everything is based on when the preliminary plan is filed. Attorney Treadwell said it would be the same date you would go back to all the time which is the preliminary date of the filing. Mr. Maxfield said we still maintain the Council's ability to decide whether it's dedication of money or land? Ms. Stern Goldstein said yes. That would still remain the same. It would just be the mythology for calculating the non-residential dedication requirement.

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Ms. Stern Goldstein said No. 6, well studies. The draft SALDO has a lot of different types of things for well studies and water impacts studies. She wants to discuss with Council and then revise the ordinance with whatever your concerns are. This is something that is out of her area of expertise so she'll defer to Mr. Miller as he is more clear with what the current ordinance says. The draft ordinance had a lot of different elements coming in and she's not sure what it is and how far the Township wants to regulate. For instance, Wrightstown Township requires well studies and looking at the impact on neighbors for anything over three lots. It's significant cost, but water right there is a significant issue. They also require storage for fire protection. They require any building with a volume over 6,000 cubic feet to be sprinklered and that volume includes basements. In Wrightstown Township, every single home being built is being sprinklered. Most of them are on wells, so they are having big storage facilities. That's where some of this model came from. She worked with Terry Clemons on this and is very familiar with it.

Mr. Miller said the threshold in the Township, there are some requirements at ten lots or equivalent dwelling units and there's a higher threshold at fifty. He knows there was discussion about tightening that up and making it at lower thresholds. They really never got any guidance on how tight that is desired to be. From a practicable standpoint, there's not really good data with regard to what would be a proper cutoff. It's more at what point do we want to check to make sure the things we would check are adequate. Also, if there are additional requirements you are wishing to have checked. He can go through the requirements that are currently required with regard to the ten lots now they are requiring the impact on the drawdown of the water table. At fifty lots, they are also requiring testing of the water quality in the development to make sure that they know going in what kind of treatment is required to use the water that is there. Mr. Kern said this would be a fifty lot development where it's individual wells at each house? Mr. Miller said either way. With a community well, there are different regulations. It would be individual lot wells totaling fifty. Ms. Stern Goldstein said that's a lot in Lower Saucon. It's rare you are going to get to the fifty. It's very common you are going to have the seven, eight, nine and not even get to the ten. If she looks at what has come before you in the last five years, seven, eight, nine probably are the numbers you are looking at. They fell below the threshold of the town also. The real issue is in Lower Saucon, do the seven, eight, nine lot subdivisions drawing down the water matter that much and do they have that much of an impact on the surrounding wells to justify having additional standards. Mr. Kern said his main concern was Toll Bros. coming in on a single well per household situation and drawing down the surrounding neighborhood. He can only guess a major development would have some impact on the existing surrounding neighborhoods. He would have to defer to the experts whether or not even a ten house development has any impact? Mr. Miller said it has everything to do with how quickly the aquifer replenishes itself and everything to do how much is drawn by each house. You almost have to be conservative if you want to regulate it at all. There's no data they have currently as to how quickly the aquifers replenish itself, how much the drawdown is going to affect the water table and dry somebody else's well. Mr. Maxfield said he likes the idea of the option to test. He's thinking of maybe not necessarily a ten lot subdivision, but maybe an organically growing neighborhood where a well goes in and in another year another well goes in. It could build like that and there should be some sort of option for testing an area. If you would build up to twenty houses and create a neighborhood in an area that's not part of a subdivision, people could buy individual lots and just sort of build that way and have it grow that way. Each of them might have an on lot well and it may have some sort of impact, maybe once you get up to a certain percentage of coverage in an area. Ms. Stern Goldstein said that would work beyond the SALDO and that's why most municipalities that are really getting serious about the water issues, have separate water resources ordinance that is in effect regardless of whether it's a subdivision land development or not because it's the individual homes that can cumulatively have as much of an impact as a new development going in. Mr. Maxfield said it's the same issue with stormwater. Ms. Stern Goldstein said that's why stormwater is often taken out of SALDO and grading detail standards is also often taken out of SALDO as you want them to apply for those individual lots. That's the other part that we didn't even touch yet. There are some requirements that should stay in for SALDO no matter what, but then she strongly suggests there be a separate ordinance that could get

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into a lot of the aquifer recharge also. That has been looked at over the years, but has never been tied up. The EAC has had a lot of concerns with that. Mr. Maxfield said for a few years now, they have been requesting a hydro geologic study, at least general information about recharge of aquifers, exactly what is contributing to those and their present size, whether it be low water levels, drought time or high water levels, just so we have an idea to go on. Mr. Kern said he thinks what needs to happen is identify the areas within Lower Saucon Township that are prone to high density development. How many are there left and how necessary is it to create a whole ordinance on something if there's not a whole lot of development that is still available. Ms. Stern Goldstein said the issue isn't how much development, it's the magnitude of development and the impact it could have. If there was one non-residential building going in that was a high water usage, it could have a significant impact on a large portion of the Township just as one individual well, but if there's an area where it's mostly going to develop, pretty sporadically because of the natural resources and the protection standards we have, and might not be a significant. You take ten lots on twenty or thirty acres, in one area of the Township it may not have no impact at all and on another area it might be catastrophic. She doesn't know offhand right now. She thinks part of what the EAC is asking for might help the Township have a better look at that. Mr. Maxfield said even out in the RA district you could have a hydroponics farm come in who is constantly, all day long, using water, and that could be a major impact on a neighborhood. Ms. Stern Goldstein said it's not always just new development. It's sometimes just the way we are using the land or the water. A car wash is pretty low intensity development and it could be pretty high intensity on water. She knows they recycle, but still it's a lot of water. Mr. Horiszny said is there a limitation on saying you can't check every well? Mr. Miller said other than it's expensive. Mr. Horiszny said it's not at our expense. Ms. Stern Goldstein said that's the expense of coming into the Township for a new resident and it's something to balance. If it's does for a good reason or for the greater good, and significant reason to do it, you could do it. She rarely has seen that every well has to do a water quantity or availability to check for impact for residential. She's seen non-residential wells sometimes every well has to have a well study. Mr. Horiszny said because it would be a bigger draw and that makes a lot of sense. If it's non-residential, you figure it's going to be a business like a carwash. Ms. Stern Goldstein said if it would be over 10,000 gallons a day, there could be a study.

Mr. Johnson said are we talking about water being proved on the lot before the lot is approved for development, before it's sold? Ms. Stern Goldstein said in this case, it's not an issue for when the lot sold or not, it's the issue of approving it for a subdivision or land developing plan, and it's just not proving the well site itself, it's making sure that a potential well on that site is not going to cause a negative impact to the surrounding wells. Mr. Kern said it applies to new developments. Attorney Treadwell said you are basically asking the developer of a new project to prove that it's not going to have a negative impact on the people who already live there from a water supply standpoint. Mr. Johnson said that could be done theoretically by a hydrology study that was done in the area and then they could theorize that, based on the study that was done ten years ago, there would be enough water here. What about the idea of requiring a developer to drill a well on a lot, show that there's a certain amount of water on that lot before he can sell the lot? Mr. Miller said with regard to a certain size subdivision, that is what is currently required. Ms. Stern Goldstein said the issue of selling the lot, you have to get that concept out of there. He can't sell lots until he records it. Mr. Johnson said his experience has been what goes on is a person buys a lot, then it's up to him to drill the well, and if they don't find water, too bad, you own the lot already. That's not a good idea, so how do you get around that? Mr. Maxfield said you could buy a lot with a home on it, and you wouldn't even need water for the lots. Mr. Johnson said we are talking about a development where you're going to build a house. Mr. Maxfield said then you are asking for the intent of somebody before they buy a piece of property. You can't do that, it's not legal.

Mr. Johnson said when you have a residential development with all of these rules and regulations, isn't the idea to build homes there? Attorney Treadwell said if somebody is selling a lot in an approved subdivision, that's different than just selling a lot that he owns somewhere out in the country. The lots in the approved subdivision, even under our current regulation, they have to show there is going to be

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water. If somebody sells you a lot out in Wassergass that's been a lot for 400 years, you don't have any guarantee you are going to find any water. Mr. Johnson said the recent developments he's seen, out in Wassergass, the developer hasn't drilled any wells before the people come in. They build the house and that's the last thing they do is to drill the well. Mr. Miller said there's no requirement to prove that there's water on a given individual lot. There's a presumption if you dig deep enough, you will hit water. It may be very, very deep and very, very expensive. Mr. Johnson said he always thought that was a bad idea. Can you change that? Mr. Miller said he doesn't know if we have the capability, as a Township, to start requiring that. We can look into it. We've been using what is fairly standard language for some time that says there has been no testing of water for this particular lot and it is buyer beware. With regard to the aggregate and the concern for the adjoining property owners, there are provisions. That's the thrust of what's the threshold and what's required once those thresholds have been met for protections of the adjoining property owners and/or for determining whether the water quality for the area is adequate for the development coming in. Mr. Maxfield said that's not really fair to do it to anyone until an actual plan comes in for development. He doesn't know how or even why you would do that before you sell or buy property. Mr. Kern said as Mr. Miller mentioned, eventually you will hit water. He's never had a resident come in and complain that they never hit water on their lot. He doesn't know how big an issue that is other than expense. If you go deep enough, you are going to hit water. Mr. Maxfield said Jim Birdsall's statement a few years ago was we have no shortage of water in Lower Saucon. There is still the issue of water quality and the draw down and the impact that could have on a neighborhood. It does get pretty site specific. Mr. Horiszny said he sees what Mr. Johnson means. It's silly to buy something and you might not be able to live there, but he doesn't think that's up for us to regulate that. It's the person that is buying that lot's responsibility to make sure if there's no water there, he doesn't want it. Ms. Stern Goldstein said there are other areas that you don't necessarily always have water when you drill down. Lower Saucon is fortunate that you drill down you get water, it's just a matter of how deep you have to drill. There are some areas, where you could drill forever and you're not going to get any water. The draft ordinance had language that they dropped because they put back in what was in the Township ordinance for now that required if it was on lot wells, that the developer provides the wells and testing are done before the plan is recorded. Something more like what Mr. Johnson is suggesting, but with the current situation in Lower Saucon knowing that water is available, we didn't think that was appropriate and that's part of the discussion for tonight – how far you want to push the envelope. How much you want to regulate. Yes, if water was real scarce, then you would want to regulate more because every time a new straw goes into the aquifer, somebody else's well is drying up. Lower Saucon hasn't yet been the case. Mr. Johnson said you just got finished saying what he suggested happens in some Townships. He's suggesting we consider it here. Mr. Maxfield said he would agree with you if we could get that information that the EAC has been asking for, which is let's really understand what is under the surface here, water-wise, resource-wise, so we can make a wise decision on how to deal with that particular issue or if we have to deal with it at all. We could be sitting on top of a water goldmine, we don't know. Mr. Kern said that's why the direction we're being asked is difficult for us because we can't say the threshold is ten houses, we don't know. How can we direct you in any meaningful fashion?

Mr. Horiszny said another factor is that the LSA is looking to see what water is available to some extent, maybe not every square foot of the Township, but at least some places to see if we could have our own water supply. That kind of information will someday will be available. Mr. Johnson said he supposes if a developer does a big enough study to be able to understand whether the water use of the combined houses in a development how it's going to affect the neighborhood, he imagines by the time he finishes coming up with that information, you could probably make a pretty good guess as to whether or not there would be water available on each lot without drilling a ridiculous amount. What do you think about that? Mr. Miller said for certain size developments, that is required. One concern with drilling the wells ahead of time is a lot of times wells are stuck where it's easiest to meet all the isolation distances once they've determined where they want to develop the things they want to have like where do I want to put my dwelling on this property. He understands how it may be difficult for

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you to say, this is the threshold beyond which we are going to require it. If he gives you this frame of reference it will be easier - every single well impacts the water table. It's a matter of how many do you want to allow to have essentially be automatically waived from the requirement of determining that impact. Mr. Maxfield said regarding historic wells, when you have newer homes going by older homes; the older homes may have a 90 foot well while a newer home may have a 180 foot well or 200 foot well. When you think about that, the drawdown cone, you could isolate somebody's well within that cone if you are not careful. It's something we definitely need to think about. Mr. Kern said what is your recommendation as to that number? Mr. Miller said it comes down to there's impact at one, but he's not sure you can require it for lawfully, abiding lots. It can only be done for a subdivision, so one seems a bit low. Something higher than one and it just becomes a matter of it's hard to regulate if you're next to a house that's a certain age, then you presume there's a certain depth to their well. It's very tedious to make those kinds of requirements. You have to start with the assumption that everything is going to impact, but you may not want to regulate everything. Ms. Stern Goldstein said if you are going to do a number one to ten, as right now they have ten as the threshold anyway.

Mr. Miller said it seems that with regard to subdivisions, there are single lot subdivisions and lots greater than five that have come into the Township. If you want the Hidden Meadows to be required to do testing, then you can set it at five and you'd hit all the minor major subdivisions that you are getting. Ms. Stern Goldstein said you also want to deal with the land development components, so five dwelling units doesn't do it, you also need a number of gallons per day for non-residential. Mr. Miller said you could just use the gallons per day as that will cover residential as well. Mr. Maxfield said that will depend on the stated usage of the properties. If someone came in, we would have to work out something out. What if hydroponics came in, we'd have to work out an acceptable amount of gallons per day and figure that into how it was going to affect the surrounding neighborhood as opposed to a residence, and almost like septic with the number of bathrooms or bedrooms. Mr. Miller said you'd have to require them to declare what they intend to use and then prove it's acceptable. They'd be telling them how much they can use unless they come back with a test saying they can't. Mr. Maxfield said that's why he really liked Mr. Miller's idea that a developer would be responsible for drilling the wells as part of their deal with the person buying the property. We could require the developer be responsible for drilling that well and make sure it's a functioning well for that piece of property. If it doesn't, he wouldn't know what the enforcement would be for that. Ms. Stern Goldstein said remember, whenever we said the developer, that means you are requiring something to occur prior to the plan being approved and recorded. There's a five year period in which their rights are vested before they have to have some substantial improvements done. A lot could happen in that five years. If you are requiring the well to be drilled before then, she just wants to make sure everyone is aware, you could be having wells being drilled all over that aren't being used and situations might change before they are being used. Mr. Maxfield said if you had a developer Smith and he is responsible for selling the lots, and also getting the whole subdivision plan approved. Smith could be responsible for the well drilling and liability of the wells. If Smith sells that to Jones to take over and market, would that responsibility then transfer to Jones? Ms. Stern Goldstein said it depends at which stage it's in. If Smith has not yet recorded the plan, and filed his land development agreement, then there's nothing recorded yet and he could sell it. Jones would still have to go through the process to finish getting it approved and recorded. If the lots are a matter of a lot of record and the land development agreement is done and we've had the wells drilled because we're requiring them to be drilled, at that point, and he would sell them to Jones, it's no problem. You've already found a lot of people coming in that need extensions because they can't build in the timeframe because the economy has changed or the situation has changed. There's always going to be extenuating circumstances. You will see extenuating circumstances on the wells many times because someone is going to come in and say, we're going to have custom homes on these lots and they are going to be at this price point and if he puts the well in now, the future homeowner may want to put their driveway or tennis court right there. So, let's not do that now, let's wait for the plot plan phase. There's always going to be a good reason. She's just saying if you are going to make that decision you are going to have to make it and be fairly consistent. Attorney Treadwell said every agreement he's ever seen for

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the purchase of a lot or a lot with a house on it has the disclosure part on it, where's the water come from. Is it served by public water? Is it not served by public water? If it's not served by public water, is there a well? The buyer has protections going in before they make that purchase as to what is actually there and what exists when they are buying it. Mr. Maxfield said how does that affect a neighbor who's affected by that? Attorney Treadwell said that's a different issue. That's where you come up with a number, whether it's five or six, the threshold number, any development that proposed dwelling units has to give you the study that shows it's not going to have a negative effect on the neighbors, which is a completely different issue than selling one of those six record lots later on and whether that lot can actually have a functioning well on it. Mr. Kern said plus, if a homeowner is going to buy a lot, the bank is not going to issue a loan unless there is water coming into the house. That's one of the stipulations in any mortgage. Attorney Treadwell said whether they are protections or notifications for a home/lot buyer, before they do anything, so they don't wake up two years later and say they don't have any water. Ms. Stern Goldstein said you can't protect someone who feels they know what's best for them and slaps cash down on the table and buys a lot with no contingencies at all. We can't protect people from themselves, but we can do our best. Mr. Kern said if you are buying a lot, you have to do some research. You have to make sure there is water and drill your own well or have someone come in and tell you there's water. Ms. Stern Goldstein said every time they have someone come in and there's something for them to sign at settlement, like the impervious surface, every single one of them says they signed under duress. There were so many things for them to sign and they had no idea what they signed. For those people, that's the most significant purchase they are making in their life and some of us do it with more care than others. We can't protect people from themselves. Mr. Kern said if he buys a house from a developer, the bank is going to ask if there is water. Ms. Stern Goldstein said if you're getting a mortgage, you're getting a level of protection as your mortgage company is going to ask more questions than before. Mr. Kern said if it comes to closing and there's no water in the house, the developer is not selling the house. Ms. Stern Goldstein said they need to make sure they have proper representation while making their agreement of sale before going to settlement. Attorney Treadwell said there's a disclosure section that talks about water and sewer and whether it's public or not and if so, is it an onsite well or septic system and if it's an onsite septic system, is it functioning, has it been tested. There are all types of things in there provided somebody uses the right documents during the transactions. There's enough there that for a normal person who would be reading it would say, maybe I'd better check this.

Mr. Maxfield said if you have a subdivision and you have neighbors, what occurs on the interior of the subdivision, we should have reasonable requirements for that, which he believes we have reasonable requirements. Once we have neighbors that may be affected, then we should be very conservative in our requirements for what happens with that. What Attorney Treadwell is saying, it's between the buyer and the marketer. All those issues should be worked out and it is buyer beware. We still need to make sure, as a Township, that the neighbors on the outside don't get affected. Once that development is established and they get new neighbors, then they get the neighborly protection also. Mr. Kern said let's give some direction on the threshold. Mr. Maxfield said the number five keeps sticking in his head like five or above. We've actually seen a lot of four lot subdivisions in the last few years. Ms. Stern Goldstein asked if five and above sounded okay to everyone? Mr. Maxfield said that's conservative and not unreasonable. Mr. Miller said that's for drawdown impact on adjoiners? Mr. Maxfield said yes, draw down only. He was thinking of water only. Mr. Miller said they do have a requirement for that which is ten. This would actually reverse the order. We'd be looking at the impact on adjoiners before we're looking at the quality of the water serving the lot which they are two separate issues. There's no reason one has to be higher or lower than the other. With regard to the impact on the adjoiners, would it be the developer's responsibility to determine the change in the water table or the change in the water table at the adjoiners? For instance, would they be permitted to draw down a certain amount of water or would they be allowed to draw down as much as they want provided that the wells around them were not impacted, how do they go about determining the depth of the wells around them or whether they'd be impacted. Mr. Maxfield said that's an engineering question. Mr. Miller said okay. It's also a legal one if you have to get permission from an adjoining

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property to test their wells. Attorney Treadwell said we can't force Joe to allow Bill, the developer, to test his well. Ms. Stern Goldstein said the thing you can do is if Joe doesn't permit Bill on the lot, then Bill can't be held responsible for any increase as he's not permitting the testing to show what the current flow is. Mr. Maxfield said they had other requirements where there was a notification of down slope people at one time.

Ms. Stern Goldstein said the water section is going to be written by your engineer. That segues into fire supply, the draft ordinance, had more like what she was talking about at Wrightstown Township and engineers basically said the current one says this, and she wanted to know if you wanted to go further into fire water supply than you have right now. Mr. Maxfield asked what the cutoff was to require underground supply tank right now, its unit number? Ms. Stern Goldstein said there's nothing right now. The draft ordinance has five or more dwelling units or any non-residential use shall furnish the total minimum supply for fire protection purposes which shall be the greater of either the fire load calculation or 30,000 gallons of water. That's the model that came from Wrightstown, Milford, Solebury Townships. Mr. Maxfield said who would be the maintenance entity for that? Ms. Stern Goldstein said that would be determined at the time of subdivision land development. If it's on each individual lot, it would be each individual homeowner. If it was a community system, it would have to be an HOA. It also says for a subdivision for less than five dwelling units or for land set aside for future development of fire water supply shall be furnished unless the property is deed restricted from further subdivision or land development. If it's less than five, you have to restrict it so it can't be more than five and skip the regulation. Mr. Maxfield said earlier Ms. Stern Goldstein talked about residential sprinkler system. If a developer were to decide to do that, how would that change for well requirements? Do we need different pressure or different type of tests to see if the wells could handle it? Ms. Stern Goldstein said it's usually a different well than what's serving the house for a fire suppression system. In Wrightstown Township, one of the board members, is also a volunteer fireman and he was instrumental in having those regulations changed. It was either December or January and there was a significant fire in one of the new houses that had just been constructed in the last four or five years and had a residential sprinkler system. The sprinkler put out the fire and it was documented that if the sprinklers weren't there, in the amount of time it takes the firemen to get there, the entire house would have been a total loss and it was only minor smoke and water damage to one room. That was on the news for a long time and that was the fire company down there. Mr. Maxfield said we could solicit opinions from the fire companies like we always do, but one of the things we could give them was the possibility of residential sprinkler systems in more remote areas. Ms. Stern Goldstein said Warrington Township in Bucks County also had a very horrible house fire ten years ago. After that, they changed to require sprinklers in multi-family dwellings and detached dwellings and in the last three years, they also changed it to all dwellings. Like everything else, sprinklering adds significant cost. Mr. Kern said tremendous cost. He would be in favor of it in a commercial application or in multi-dwelling units. He could go that far, but mandating residential, there's no way he's going for that. That's going to jack the cost up of houses. You talk about restricting housing, that's restricting housing. Mr. Maxfield said you could make it optional. Mr. Kerns said absolutely. If the homeowner wants to put in a sprinkler system, they can. Mr. Maxfield said if someone decides to do that and in a development with a centralized water supply system that the firemen could tap into an underground tank, there should be some sort of offset there. If this house is sitting out there in the middle of nowhere, and you decide you want a residential sprinkler system, you should not be mandated to service or pay for the maintenance on this tank. There should get some reward for this, some financial offset. It is expensive, but it's incredibly safe. He wonders if Society Hill has a sprinkler system. Mr. Kern said they have hydrants. Attorney Treadwell said he thought the building code had sprinkler requirements for commercial buildings, but he's not 100% sure. Ms. Stern Goldstein said she thinks multi-family, but it doesn't deal with single family detached as that isn't considered multi-family. Attorney Treadwell said he thought new apartments that come in were required to have sprinklers. Ms. Stern Goldstein said she thinks its five or more in a building. The new building code has that as the HOA was fighting it for several years. The non-residential, the threshold there, is a minimum of a number of square feet. Sometimes the tanks are required to support

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the water that is needed for the sprinkling. That's usually what it is so in that case, they would be being responsible for the tank. The problem we haven't seen yet, but she's always thinking ahead to is what happens if those tanks aren't maintained. Mr. Kern said when we had this discussion years ago, it's a nightmare. No one is going to maintain them. Eventually they are going to leak, and then what. Mr. Maxfield said the fire company is making strong recommendations for them. Maybe that would be something we can have another agency check to see if they were maintained, like the Authority. Mr. Kern said there's no question about the safety of them. You can't question the fact that it's a great idea except when you get down to the practicality of it. Who's going to maintain them? Who's going to pay for them? Someone has to pay for them, so that's another added expense to the community. Mr. Maxfield said if he's not mistaken, when they've asked the developers to put in underground tanks, they haven't really balked that much, so he's guessing they are not that incredibly expensive to put in, to just bury a tank underground and sprinkler every house. For Long Ridge, they were okay with it, so he doesn't think it's that expensive. Mr. Miller asked Mr. Maxfield to remind him what subdivision besides Long Ridge has the tanks. Mr. Maxfield said he thinks that is when they came up with a number. Hidden Meadows off of Lower Saucon Road, the fire company had recommended an underground tank and they already had their infrastructure in at that point. We had been soliciting opinions from them for awhile and they didn't get back to us for a long time and got back to us late, so it was kind of an afterthought. We decided at that point because everything was in already to not do it. They only had five or six lots. If it's new construction, why not do it right away. Mr. Cahalan said that's correct. It was Southeastern Fire Company's territory. He asked if it came up with the old school? Mr. Maxfield said not yet. That would almost be a commercial building, so it might be sprinklered. Ms. Stern Goldstein said if this would have been a requirement to have a tank then the Township would need to have some requirement for the maintenance of it and some penalty for the non-maintenance of it, so to say, it's their responsibility, is totally correct, but why have a regulation if you aren't going to force it.

Mr. Kern said when the fire companies were before us previously, they indicated there was some not just minor maintenance that was required including replacing the water periodically and draining the water and putting new water in. Mr. Maxfield said for fire suppression, you can use any kind of water. Mr. Kern said this is just what they were saying. It's not just leaving it there. There are things you have to do. Mr. Maxfield said he likes the idea that Ron was saying the fire company before had offered to work with that and establishing some kind of partnership under a conditional agreement, a partnership between the HOA and the closest fire company to make sure that it is maintained at all times. He doesn't think we should have some policy for periodic maintenance every six months or whatever. Ms. Stern Goldstein said if we are going to have requirements, then we need to know who is going to enforce them, what the penalties are for not meeting those requirements, and how it is going to happen. It's easy to write the regulations, but she's real cautious writing something unless we know how it's going to be enforced. Mr. Maxfield asked Ms. Stern Goldstein if she could suggest an enforcement agency? Would it be us or would it be the fire marshal? Who would it be? Ms. Stern Goldstein said if it's a township regulation, it should be township enforcement. You could use guidance from a fire marshal, but if it's a township regulation, it would be the township enforcing it. These are subdivision land development regs, so the regs are in there, but the long term maintenance you can require that to be recorded on the plan, but it falls under the individual property owner. Mr. Maxfield said he likes the multiple agency, especially the fire company. Over the years, people move in and people move out and people don't know what they've agreed to when they buy a house or a chunk of property. He likes the idea that the fire company would be involved in it. He hopes we could work that out somehow. Ms. Stern Goldstein said we have volunteer fire companies, so there are multiple companies within the municipality and doesn't know how we would have them enforce something. Attorney Treadwell said you need to maybe use the building code inspector or Zoning Officer or somebody who is an employee of the Township and they need to be responsible for that inspection and maintenance. You'd have to figure out if it's once a year or twice a year. Someone has to go out there and do the inspection periodically to make sure they are functioning or it's not worth making it happen. Mr. Maxfield said that should be the responsibility of the HOA. We can't have too

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many of these tanks in the Township. They'd be easy to keep track of and maybe there would be a six month inspection report that would come in and if we don't receive that report, then we go to whatever we need to do. Maybe the inspection could be done by an independent outside agency hired by the HOA or whatever. Ms. Stern Goldstein said this might not be the HOA always, it could be individual ownership. Attorney Treadwell said it's a similar enforcement mechanism that we use for stormwater detention basins now. It doesn't work 100% all the time, but we ask the people to inspect it and provide us with a report saying it's working okay. Mr. Johnson said since the tank holding the water is for the benefit of the people living in the community, why not establish in the beginning a fund that someone figures out how much has to be put in the fund, in order to have the tank checked periodically by the fire company and have some money in there for maintenance. Attorney Treadwell said that's how it theoretically works with the HOA or a condominium association as they have that fund already established. If you have six people who live in your neighborhood and you have a collective fund for maintenance of the water storage tank without a HOA or condominium association, it will be chaos as your neighbor will say he's not paying any money, you put the tank in. Mr. Miller said it sounds like a good idea, but first they don't want to put it up, but more importantly, there's no accounting for inflation. You can't tell how much the government is going to print money, so you can't tell how much money you are going to have to set aside to maintain it permanently. Mr. Kern said this is not a popular opinion, but he's not in favor of in ground tanks. It's just way too much government intervention and all the issues we've discussed here plus all the things we haven't even thought of are just a nightmare. Mr. Cahalan said aren't there other options other than the underground tanks such as the dry hydrants and other types of things that could be options that can be considered? Ms. Stern Goldstein said dry hydrants, additional wells for fire suppression that shows you can get a certain rate that meets the fire suppression rate. There are other options. It's not just tanks. It comes down to really the question, do you want to regulate fire suppression as part of your subdivision land development ordinance or do you want to let it go just as it is in the building code right now? That is the real question before you go into what the regulations are. We need to talk about the regulations so you can see what the impact is. Mr. Kern said currently we have in the regulations a requirement of sprinkler for commercial buildings? Ms. Stern Goldstein said not in SALDO, that would be just in your building code. Mr. Kern said do we have it for multi-family dwellings? Ms. Stern Goldstein said she believes the building code includes that for a certain number of dwellings. It's certainly not for every land development as there are some below the threshold. It's not for single family detached dwellings either. If you want to do something more than what is required in the building code already, and have it required as subdivision land development, as there are good reasons for and good reasons not to, it's a philosophical question and really a policy decision from the Township. Mr. Maxfield said he would like to ask the fire companies what their opinions are whether we should require tanks or not, and why. How effective are these things from the first responder's viewpoint. We should have that information in front of us before we decide what to do. Some places it's going to be hard to get to. A lot of other Township's have the requirement for the number of the property to be placed in a certain style outside of the property. We don't have that. Some of these properties can be hard to locate. Minutes really matter. He'd like to hear from the fire companies as these are the guys that have to deal with it all the time. Mr. Kern said he knows what they are going to say, put tanks in. Mr. Maxfield said why, how effective are they? Mr. Kern said as opposed to a tanker truck or even a fire dedicated suppressing well. Ms. Stern Goldstein said a dedicated well for fire suppression is like your own personal fire hydrant. The other one is a dry hydrant for a pond and fire companies have mixed reactions on that too. Mr. Maxfield said some people have used the water in detention ponds but you never know what the level of that is going to be. At least if you have that tank there, in theory, it's supposed to be full. Mr. Kern said it's a great idea; it's just the practicality of it and the design. Attorney Treadwell you are also talking about protecting people. If he buys a house in Hellertown that is a block away from the fire station, he's pretty sure he's going to get someone there if the fire alarm goes off. If he buys a house eight miles out of Hellertown, then he knows it's going to take them awhile to get there. He will do something special at his house to prevent a disaster from occurring or live with the fact that he's eight miles away from the nearest fire company. Mr. Maxfield said people never think of safety just like if you live in a flood plain, they never think about it until that flood hits.

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You never think about fire until your house burns down. He thinks we can do something. Let's see if we can get an opinion from all the fire companies and then sort through the information. Mr. Cahalan said the fire companies are moving towards a consolidated type of system and are now they are thinking of a combined service and may have a different idea. We can ask them to talk about that.

Ms. Stern Goldstein said No. 8, construction standards and details – she talked before about the pros and cons of taking some things out of SALDO and them being applicable to all development in the Township. Right now the constructions standards and details like sidewalks, curb, street and driveway standards, it's all in the subdivision land development ordinance. She was talking earlier to HEA and their office about having a separate document for construction standards and details that would apply to everything within the Township, so when Joe Homeowner wants to come in and build a single family home, he has to do the plot plan, grading plan, etc., but this will have all of the construction standards he has to follow for the site part of it and it would be universal, the same level as everything. If someone comes in and they slip under the wire and they are not a subdivision land development, but are doing driveways, etc., it's the same regulations. That seemed to be one everyone could agree on. Mr. Maxfield said when you were mentioning curbing, seeing an area where you don't want curbing, would it be a waiver then? Ms. Stern Goldstein said it wouldn't be a waiver. If someone is building a curb, it would be the construction details in building that curb. If they are required to put a curb in, that's either subdivision or land development or it's the parking lot design standards if its not. Usually curbing is part of a street standard if it's required. If not, you can always waive it. Mr. Maxfield said he's trying to remember if we have it in certain zones and not in others. How do we do that? Ms. Stern Goldstein said her suggestion was to require curbs and sidewalks on all the streets and Council could always waive them as applicable as you see fit, but to require them for all streets as if they aren't required, you can't ask for them later. You could waive them at your own discretion. Things to consider would be drainage, stormwater management, what's happening on either side, but they would all be individual circumstances to look at for waivers. Mr. Miller said you said for all streets. Did you include all the local streets as well? Ms. Stern Goldstein said yes. Mr. Maxfield said his fear of that is, and this has happened at Planning Commission as well, where they had people come in with a development in RA and have their stormwater plan depend on curbing, and then we say we don't really think we should have curbing out here in farm country, and then they have to go back and redo their stormwater calculations. Mr. Kern said that's a good point as the developer coming in is not going to know that the preference of Council is to really not have curbing, generally speaking. Ms. Stern Goldstein said if you want to have curbing and sidewalk in certain types of things, we need to be consistent throughout. We can't say you get it and you don't. You're looking at trails and greenways and it's hard to say the big picture is you want to connect from here to here, but you're in a neighborhood so don't worry about it. Mr. Maxfield said he notices in the other recommendations about the requirement for the developer to come in and to talk. That could be recommended at that stage. Attorney Treadwell said that's when those meetings are very useful because at that point, you have an applicant who comes in and says, you want me to put curb here, and we say, no, ask for a waiver. Then they don't design their plans with curbs, they design it without them, with the waiver request. Ms. Stern Goldstein said that's what the four step design process is, it's meant to have more dialogue than there is now, but someone still can say, alright, the sketch plan is not mandatory, if the sketch plan was mandatory, that's where they would vest their rights and we don't suggest that. We strongly suggest that you come in with a sketch plan with that information. If not, you are required to come in at preliminary plan with all that information. If someone wants to be bullheaded or stubborn, they could come in without ever talking to you. It wouldn't be very wise, it would be very foolish. Most times somebody in the Township gets the heads up what's going on as people are calling up and asking questions. Jack or Leslie could say come on in for a meeting. Someone could come in and have their stormwater system designed with curb; however, to do a lot of the BMP's, in some areas it might not be desirable and in some areas you might need the curb. If you need curb, if it's not required in the ordinance, it's hard to get it. Mr. Kern said for example, the Meadows, Toll Bros. development, he remembers Council decided that curb was necessary. How did that happen? How did they get curb in there when apparently it wasn't required at that point? Ms. Stern Goldstein said that happened prior

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to August 2004, so she's not sure. Mr. Miller said he thought it was required. Mr. Kern said then we changed it to not required? Mr. Maxfield said we've been giving waivers for non-curb in places. Mr. Miller said as it's currently set, which is the case when they came in, at a certain density, you are required to have curb. When you get less density, you are required not to have curb. He comes from a different point of view on this issue. If you are less dense, he's not familiar with an area you'd want to put curb in and it's almost incongruent with the BMP standards by having curbs you are concentrating waters. You are not disconnecting your impervious and all those buzz words, they find the face of all of them. Ms. Stern Goldstein said it really comes to the sidewalk issue. If you are having sidewalk, sometimes you need to have curb to have the sidewalk depending on where it is. She'd like to see all trails and not sidewalks, but then they are on the private lots as there is no room in the right-of-way. The pedestrian accessibility is the big thing. Curbs don't mean as much to her unless they are needed for stormwater. Mr. Miller said can that be addressed as having the sidewalk being behind the swale? Ms. Stern Goldstein said behind the swale would be on the lot then. Mr. Kern said on private property. Mr. Maxfield said one of the ideas they were talking about at Long Ridge was where the swale was actually moved further from the street so they could have narrower streets. If the emergency vehicles had to, they could just jump the curb or the grass and fly up there. That would put the sidewalk way back, especially in a neighborhood situation. Ms. Stern Goldstein said if you had sidewalks from the edge of the paving, depending on the topography, you could have sidewalks so far away that they don't even relate to the street and they look like individual walkways to the people's houses. You don't want to start putting the sidewalks in the middle of the front yard. Mr. Miller said that's true. Do you need to have the requirement for the sidewalk necessarily be related to the street? Can it just be a requirement of the subdivision and interconnect to pedestrian paths independent and give them a requirement to connect without telling them to do so. Ms. Stern Goldstein said it's not just connecting from development to development. It's connecting within the development, especially when we're getting down to more narrow streets, the whole idea is you can stay on trails, not just from your development. Someone who lives at one end of the development wants to visit somebody else, it's to encourage the walkability. There was a trend through the 80's, 90's and the 2000's, it's a real density, no sidewalks are needed and then you started to looking at them, and one acre lots, two acre lots, a lot of neighborhoods, it would have been nice to have put some sidewalks or pedestrian pathways in there and now it's too late, they are gone. Mr. Maxfield said for pedestrian pathways, redefining sidewalks may be a good thing too as we go along with design. Ms. Stern Goldstein said if you just want to have curb required when you get to a certain density, it's hard because that density changes as the township changes and matures. What was once the densest thing in the world, two acres for a dwelling unit, now one acre, soon 20,000 square feet. As the Township develops, that sense of where that threshold is changes. Mr. Miller said would you always want sidewalks on both sides of the street? Ms. Stern Goldstein said not necessarily. It depends on the individual development, but if it's not required on both sides, you don't have the opportunity to require it on both sides. This is one of the things that you need to ask for what you want, but you also need to make sure you are asking for everything you might ever want. Mr. Maxfield said like the way we've treated road improvements in the past, where we've given waivers and it didn't make sense to do. Ms. Stern Goldstein said right, and you always have that ability and function of you as a body. Mr. Kern said there's another food for thought in the discussion realm here, that the future Council's who are new may not be aware that the trend is to go to no sidewalks and no curb, but because it's in there, a new Council member may come in there and say it's in the ordinance, we have to do it. This is from a practical approach not knowing they can grant a waiver, thinking that is what previous Council's may have wanted. Mr. Maxfield said road improvements may be the same thing. We have the option of turning lanes and all sorts of things. That most often doesn't happen. Mr. Kerns said we have to think about that one. Ms. Stern Goldstein said you have to think about it. These are all things that you have the opportunity to look at many things now that you haven't looked at for a long time as your SALDO has been with you and it's comfortable, it's well worn and you know what it says, and it's easy to enforce as it's always been the same. This is something that when we were called in to do this, we really had to mold the draft into Lower Saucon, and it brought up a lot of questions that are difficult questions. The easy ones we

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worked out amongst ourselves. These are all the big ones. They all are policy decisions – each and every one of them.

Attorney Treadwell said he has a couple of SALDO things that he wants to run by you so we can finish it up and try to come back with a more complete version. The way your subdivision ordinance is written now, if a plan submission comes in and before it gets to Ms. Stern Goldstein or HEA, the Zoning Officer does review it to make sure it's complete, and it has all the stuff with it, attachments, etc. that are required to get to the review level. The way your ordinance is written now, if the Zoning Officer determines it's incomplete, it has to go to the Planning Commission, and then it's got to come to Council to vote on the fact that the Zoning Officer found it to be incomplete. That takes too much time and it's too cumbersome a procedure. He thinks it would be better to give, and whether it's the Zoning Officer or with the concurrence of the Manager, that it's better for that stage to be able to have someone here at the building say "wait a minute, you are missing A, B or C, send it back" without having to go through a Planning Commission meeting and a Council meeting. Mr. Maxfield said if they contest it? Attorney Treadwell said if the applicant wants to contest that it's complete, then we will put a mechanism in there that they either appeal it to Council or the Zoning Hearing Board if they have a problem with the determination that's made. The way it's written now, if it says you are required to submit 12 plans and they only give you six, then the Zoning Officer has to say at that point, we only have six, he's got to take it to the Planning Commission and he's going to take it to Council to have everybody agree that there's only six, we need to send this back. It seems to be a little cumbersome. Mr. Maxfield said that's not MPC things? Attorney Treadwell said no. This is before you even get to an engineering review. If you see the letter that comes out from the Township from Chris Garges which says "we are in receipt of a submission package delivered on April 28<sup>th</sup>, the material that was provided in the submission is sufficient to complete your submission. Your submission will now be distributed for review". That's Chris saying to the applicant that he has everything they need, so now they are sending it out for review. The Manager or someone at the staff level should be able to send out the letter saying we don't have what we need. We're not submitting it or review until you show us. Mr. Cahalan said he does do that. Attorney Treadwell said the way your ordinance is written, it says it has to go to the Planning Commission and the Council. He thinks that should be changed. The most questions he's had in dealing with the land development plan and the site plan has probably come from the Planning Commission like "what's the difference between the land development plan and a site plan?" There's not a real big difference. Maybe it's a question of using different terminology. Maybe we can call it a land development plan and a minor land development plan or something different and clearly point out what the differences are because 90% of the time the site plan eventually turns into a land development plan by the end of the process. Ms. Stern Goldstein said the problem is it's in zoning. Mr. Miller said the zoning site plan. Attorney Treadwell said however we do it, he's just trying to get Council's concurrence that those are some terms that need to be cleaned up. Practically at every Planning Commission meeting, somebody on the Commission says what are we supposed to do with this, it's a site plan. What do we do different than the land development plan, so that needs to be cleared up.

Attorney Treadwell said the final thing is for the definition of subdivision/land development. In the MPC, it talks about dividing up a property for leasehold purposes. If you take the movie theater and it stops being a movie theater and somebody buys it and wants to put up four interior walls and create four separate retail stores, that's a subdivision/land development and means they have to go through the whole process. That's okay if that's what you want to see. There's no real construction going on except for maybe some interior walls. In the past, they've had some complaints about why do they have to go through that. They are not building anything. They are putting up walls are on the inside which are governed by the building code, why do they have to go through a complete land development application and approval process for that type of a situation. Clearly, we need to have something at the level, whether it be the zoning level or the Planning Commission/Council level of knowing what's going in there, how many parking spaces they need, do they have enough parking spaces, those types of things. When there's a situation where there is truly no actual outside

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construction going on, do you want to see to see the whole land development? Mr. Maxfield said we have to require the information we need based on use. Use would determine the parking spaces. Attorney Treadwell said they are not moving ground, they are not putting up exterior walls, not doing anything other than dividing up the interior of the building so they can rent it out to somebody. Mr. Miller said the things that come to mind initially are water use, sewage usage, traffic, recreation impacts, so if you were going to have a procedure, those would have to be addressed. Attorney Treadwell said you'd need to know there are enough parking spaces. However many parking spaces the movie theatre has and now it's three retail stores, you need to have enough parking spaces. A lot of the land development plan requirements are designed for new construction. You don't have new construction in that type of instance. Ms. Stern Goldstein said in many cases, that's where the land development comes in. Attorney Treadwell said that has been used in some other municipalities, as well to waive the land development, but if you use it that way and say you are going to waive the land development, you still want to get the thing that Dan just talked about. It's easier for everyone to understand if you say it in the SALDO that it's not a waiver of land development, but it's lesser version, like a minor land development that you need to show A, B, C, but you don't need to show all this construction stuff as you are not building anything. Ms. Stern Goldstein said with adaptive reuse, as the Township starts to mature more, you will see more adaptive reuse. They've seen some already, and it's a good thing. It means they are coming in to make a more economical viable use of a property that is underutilized. Mr. Maxfield said at what point would we require that? If we had the movie theatre divided up into four different areas, each had their own bathroom, at what point does it become something that we need to get involved in? Attorney Treadwell said the threshold language that kicks it off in the MPC is allocation of space for leasing purposes. That's what makes it a subdivision/land development under the MPC. If you have the Mobil station and a different owner buys it and it becomes an Exxon station, that doesn't kick it off because it doesn't change use. It's really when you are taking an existing something and turning it into something by doing some construction work in the interior of the building to allow you to lease it to the one or more tenants you had leased it to previously. We would have to work out the details as to what the minimum requirements are to that as in the past he's had complaints from people saying they are just putting up a wall to split their building in two, why do they have to go through land development. Ms. Stern Goldstein said it makes a lot of sense. Attorney Treadwell said that gives him an overall idea and you'll see what it will look like.

**B. IMPERVIOUS COVERAGE DISCUSSION**

This item will be tabled for another special meeting.

**C. RIPARIAN BUFFER DISCUSSION**

Mr. Kern said Council asked staff to review the riparian buffer requirements and to come back to Council with any recommended changes.

Ms. Stern Goldstein said there have been some changes proposed to beef it up a little more. They have before you a memo that includes ordinance amendments. Anything underlined is new. Anything stricken out would be deletion from the current ordinance. What this does it provide for more protection from the riparian corridor. It deals with some issues they've had to deal with recently liked motorized vehicles. It tells you what you can and what you cannot store in a riparian corridor. What you can and cannot use in a riparian corridor. It specifies that maintenance is permitted and if you need to get your wheelbarrow out, you can take that out to maintain the property if it's your property, but you can't be driving a truck through the riparian corridor and you can't be storing fuel tanks in the riparian corridor. It's gone through EAC. It's gone through staff, and Chris has reviewed it. Attorney Treadwell has looked at it. HEA has looked at it, and Boucher & James has reviewed it several times. This is the best shot and you get to regulate more without over regulation and take away property owners rights.

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Mr. Maxfield said under parking lots, a hypothetical situation, if we had an existing home that was entirely within the riparian corridor, and their parking space and everything else is within the riparian corridor, we're saying no trailers in that area, would they be required to find additional space outside to park their trailer? Ms. Stern Goldstein said this is for parking lots so the individual driveway wouldn't be a parking lot, it states parking lot and/or the parking or storage of trailers with gross weight exceeding 1,000 lbs, so yes, if it's all in the riparian corridor. If it's existing today, and that area has been used for the parking of vehicles, that would be nonconforming and they'd have the right to continue that and the right to expand the non-conforming use within certain parameters. You can't change the regulations so that you are impacting someone who had a lawful use to their property right now and take that away.

Mr. Maxfield said in the area about agriculture, he thinks agriculture was permitted within the riparian corridor outside the first 25 feet. Ms. Stern Goldstein said section (11), the following uses are specifically prohibited within a buffer associated with a wetland, riparian area or lake or pond. Removal or disturbance of vegetation in a manner that is inconsistent with erosion control and riparian protection and/or management activities unless associated with the following: Agricultural uses are permitted within a riparian corridor. Mr. Maxfield said he noticed you have established a 25 foot zone there where replanting would occur. What he is thinking about is the use of herbicides, pesticides, by traditional farming around here, and the nitrates being so close to the creek, could we try to encourage farmers not to plow right up to the bank which is what a lot of farmers do. Ms. Stern Goldstein said that would be item (c) the Northampton County Conservation District and the conservation districts in general across the state have had a campaign to educate farmers about stream side maintenance and not plowing up to the stream and the benefits to them and maintain their soils. If a farmer is currently plowing to the edge, he's been occupying that land for occupational use and he's certainly permitted to continue to do that. On agricultural land, riparian corridors are not usually hard wood riparian planted corridors. They are usually more the under story. As soon as you get the shade and shadow, you are impacting the crops. Although agriculture includes all type of crops, some of which are non-traditional and thrive in a riparian corridor. For instance, some enterprising people have developed wetlands, plant farms in riparian corridors because that's where they grow the best and they are propagating plants. Mr. Maxfield said he was thinking of a specific spot. One of their preserved properties where they got a request within the last year to re-farm the property as it hasn't been farmed for some time, so it's fallow. The farming that has taken place in the past has come right up to the tree line, which is right on the creek. The plowing has occurred within feet of the bank. He knows with all due respect to Northampton County, they don't really enforce as other conservation districts such as in Lehigh County. He doesn't know what their standards are as far as keeping people away from creeks, such as chemicals, but he would like to have something that would encourage farmers not to do that, not be using those materials for disturbing the ground so close to the creek. He doesn't want it to be excessive as to discourage farmers. Ms. Stern Goldstein said when they look at farming, they think of tilling crops, but agricultural use encompasses wide uses, some of which are totally appropriate in a riparian corridor and some of which can occur right up to the edge. For instance, if you are propagating black willow to use for wetland plantings, that can be done right up to the edge and you are actually helping the edge while you are doing it. Sometimes it's just cuttings and not the full removal, just partial removal. It's just cuttings. It's hard to find a one size fits all, but agricultural is something that has always been permitted within the full range, although all current methodologies say don't use traditional farming to the edge. Mr. Maxfield said he wanted to make sure there are certain protections with farming. If we did decide to do something, we wouldn't do something that would be challenged and that we were inhibiting farming in anyway. Ms. Stern Goldstein said if someone has ten acres or greater and they are farming to the edge and always have been, they are protected not only under the pre-existing non-conformity, but they are also protected under the ACRE legislation. Mr. Maxfield said the rest of it he likes very much. Ms. Stern Goldstein said a lot of people contributed to this one. Kevin worked very hard on it. Chris spent a lot of time on it as well as Linc, Jack, Leslie, Dan, and Brien. Mr. Maxfield said if this

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ordinance comes up for advertisement and vote, he would like to kick off some kind of riparian understanding campaign for the EAC and get word out to the public and understand there is a reason for the madness. You can't say it enough sometimes. Ms. Stern Goldstein said there's a lot of literature out there and she knows a lot of sources to link right up and put on your website.

Mr. Kern asked if there was any comment from anyone in the audience? Mr. Allan Gross said he has some questions, the first thing we want to do is try to prevent any destruction of the riparian buffer. That's number one thing we want to happen. He can only use the Black River Road violations as an example because he's a neighbor and has been involved in that. The Township has a commercial vehicle ordinance that you can't park commercial vehicles in a residential area. Most Townships have that ordinance. Obviously, it's to protect the homeowners and also in this case, to protect the riparian buffer. He can use that as an example. Had the Township enforced that commercial vehicle ordinance way back when the complaints were first made two years ago, they would have been able to prevent most of the damage to that riparian buffer, but unfortunately, that did not occur. He wants to make a recommendation. He has not read Upper Saucon's ordinance on commercial vehicles, but he has read Salisbury Township's ordinance. It's very specific as they list the type of vehicles and they list the gross vehicle weight that they consider to be a commercial vehicle. All of those vehicles listed in their ordinance are not allowed to be parked in a residential area. He would only suggest that Lower Saucon take a look at their ordinance and perhaps strengthen the ordinance in Lower Saucon Township that the Zoning Officer does not have to make a decision as to what is a commercial vehicle and what is not. Mr. Kern said they will take a look at the Salisbury ordinance. Mr. Gross said maybe some changes were made. In this case, it would have prevented most of the damage to that riparian corridor. He just glanced over this memo, and he thinks if there is damage, and there's remediation required, it should be required to be put back in the condition that it was in before the violations occurred. That means vegetation, trees, etc. The trees are a very important part of that riparian buffer to keep that temperature down and to support the life that's in that riparian buffer. That part of the ordinance needs to be very specific as well when there's a violation and it has to be put back into the same condition it was in before those violation occurred. Ms. Stern Goldstein said Section 12.1 of the memo, talks about re-vegetation, but she has to caution, this covers ground cover and the whole bit, but to say that something has to be put back into the condition it was, it's hard to create fifty twenty-year old trees with something new. She can't say that it would be a great statement to write "restore to prior condition" because sometimes it's physically impossible to do that. The best we can do is to require the multi layer of trees and shrubs at proper size and arrangement to start the potential for replication. To replace, it's very difficult to mandate that. Mr. Gross said he understands that and it is included in 12.1. Ms. Stern Goldstein said in most cases, it won't be exactly what was destroyed immediately. Mr. Gross said he thinks everyone understands that, it's just that there should be trees planted, they will obviously be smaller, but eventually they will grow. That's a very important point. Mr. Maxfield said the intent of this section is to basically say to whoever it is, you can't just replace the riparian corridor with grass. That's not going to work.

Mr. Kern said we have another meeting coming up at 7:00 PM. He said we need to postpone to a future date the discussion on impervious coverage. Mr. Cahalan said we will just bring it back to the next meeting.

**MOTION BY:** Mr. Maxfield moved for adjournment of the special meeting. The time was 6:46 PM.  
**SECOND BY:** Mr. Horiszny  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 3-0 (Mrs. Yerger & Mrs. deLeon – Absent)

**GENERAL BUSINESS & DEVELOPER MEETING**  
**May 5, 2010**

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, May 5, 2010 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

**ROLL CALL:** Present – Glenn Kern, President; Tom Maxfield, Vice President; Sandra Yerger, Ron Horiszny, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Township Manager; Dan Miller, Township Engineer; Linc Treadwell, Township Solicitor; Judy Stern Goldstein, Township Planner. Absent: Priscilla deLeon and Kimberly Kelly, Jr. Council member.

Mr. Kern asked for a moment of silence for Austin Gates-Benson, one of our own, Saucon Valley High School graduate, who was killed in Afghanistan.

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)**

**Mr. Kern said Council did not meet in Executive Session prior to this evening.**

**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

Mr. Kern said for if you are on the agenda, you get our undivided attention. You will speak to Council and to staff. We do open it up for public comment. If anyone wishes to speak at each agenda item, we do permit that here. You also have a chance to speak if it's not an agenda item under Item VII, which is Public Comment, Non-Agenda items near the end of the meeting. If you do speak, we ask that you use the microphones and state your names for the record only because we transcribe the minutes, and we want to make sure we get it accurately. He found out recently that it's part of the Sunshine Act that you identify yourself so everyone knows who you are when it goes into the minutes. We appreciate that and if you do want to know what future agendas are, there's a sign in sheet at the back of the room or you can just log online to [www.lowersaucontownship.org](http://www.lowersaucontownship.org). He asked if anything was taken off the agenda? Mr. Cahalan said no.

**III. PRESENTATIONS – None**

**IV. DEVELOPER ITEMS**

**A. ESTATES AT SAUCON WOODS – EASTON ROAD – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS**

Mr. Kern said the developer is requesting an extension of time to complete the improvements associated with this subdivision.

**ESTATES AT SAUCON WOODS EXTENSION  
FOR THE MAY 5, 2010 COUNCIL MEETING**

The Lower Saucon Township staff recommends that Township Council approve an extension until May 9, 2011 for completion of improvements at the Estates at Saucon Woods. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Extension Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall be extended to at least June 9, 2011, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.
4. The Township Engineer is hereby directed to inspect the erosion and sedimentation controls for the project and notify the developer of any deficiencies. The developer must correct any deficiencies noted by the Township Engineer within 60 days of receipt of his report.

**MOTION BY:** Mr. Maxfield moved for approval of the draft motion for the Estates at Saucon Woods extension.

**SECOND BY:** Mr. Horiszny

Mr. Kern asked if anyone had any questions? No one raised their hand.

**ROLL CALL:** 4-0 (Mrs. deLeon – Absent)

**V. TOWNSHIP BUSINESS ITEMS**

**A. ZONING HEARING BOARD VARIANCE – SMITH & TINA HOLLAND – 1860 CLARENCE DRIVE – REQUEST VARIANCE OF REAR YARD SETBACK TO CONSTRUCT PATIO**

Mr. Kern said the applicant is requesting a variance of rear yard setback to construct a patio.

Tina Holland was present. She said they are asking for an exception to the 40 foot rule. They would like to extend their patio approximately six feet by 33 feet and right now, according to Chris Garges, they have over 654 feet for impervious coverage and would be using between 200 to 300 feet to extend their patio.

Mr. Kern asked if anyone had any questions or comments? Mrs. Yerger said you said you thought 200 to 300 feet to extend the patio, you'd still be within the impervious. Just so you know, on our portion of the synopsis of your request, it says 150 feet and you may just want to clarify that with Chris Garges. Ms. Holland said okay.

Council took no action.

**B. METRO PCS – 4105 SHERRY HILL ROAD – CO-LOCATION OF ANTENNA – CONDITIONAL USE HEARING DECISION**

Mr. Kern said the solicitor has prepared a draft decision as a result of the Conditional Use Hearing that was held on April 21, 2010 for the co-location of antennas on an existing tower for Council's review and approval.

Attorney Treadwell said the conditional use decision draft is in front of you. There are eleven conditions and are extremely similar to previous conditional use decisions that you granted for this

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type of an application. The one different one he's added that based on the discussion at the public hearing last meeting, condition No. 9, the applicant shall have a continuing obligation during the operation of the project to provide Lower Saucon Township with immediate notification of any renewal, cancellation or other change in the status of all federal, state, and other outside agency permits required for the operation of the project. If you recall, that came from somebody's question at the last meeting as to how would we know if one of your permits doesn't get renewed. Hopefully that condition addresses that. He talked to the applicant's attorney, Debra Shulski, and told her if they were okay with the draft agreement, she didn't have to be here today. She told him on the phone she was okay with it. If you are ready to move forward, you can make a motion to approve the conditional use decision dated May 6, 2010 and authorize him to send it to Attorney Shulski.

- MOTION BY:** Mr. Horiszny moved for approve the conditional use decision dated May 6, 2010 and authorize Attorney Treadwell to send it to Attorney Shulski.
- SECOND BY:** Mr. Maxfield
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0 (Mrs. deLeon – Absent)

Mr. Cahalan said there was a question raised at the last meeting about the Knox box that was discussed. The question was about the legality of the Knox box going onto the site. Attorney Treadwell said evidently there was some confusion. The Knox box is normally what goes on to a building that allows fire fighters, with the approval of the 911 center and his understanding is the 911 people have to somehow open the box that the firefighters have to get the key so they can get in. The request for this particular project was basically for a padlock that the fire company would have a key for in case something happened out near the tower so they wouldn't have to break down the gate. When he talked to Attorney Shulski today, she said they still did not have a problem with it. He did not include it as a condition. She said they would work with the property owner to do it. As to the question, is the Knox box legal, a couple of years ago they adopted an ordinance that deals with this. Our ordinance was adopted based on the fact that right now it's the 2009 version of the International Fire Code, but there's a 2006 version, a 2003 version. They have that document and it has requirements for those types of lock boxes where they are deemed necessary by the Fire Code Inspector. What they did a couple of years ago, which they are allowed to do under the Second Class Township Code was adopt a portion of that standard recognized code that required certain businesses in Lower Saucon Township to have those types of lock boxes on their property and the idea of the box is to really protect the property owner from the damage that would result if the fire company could not get into the building and they have to break down the door or go through the window. The ordinance is perfectly valid and legal and it was not a condition on the cell tower as they were really just asking for a padlock on the fence that they already have.

**C. STEEL CITY PARK CONCEPTUAL PLAN**

Mr. Kern said the Township Planner will review the Steel City Park conceptual plan which has been reviewed and endorsed by the Township Parks and Recreation Board.

Ms. Stern Goldstein put a pdf plan on the screen. There will be a plan left at the Township for the public to see. She said this has been a bit of planning. There was a visioning meeting, and a plan prepared with various revisions made. It has gone to Council once before several months ago. It has gone back to the P&R board. The significant changes are in the bottom right hand corner, you now see a parking lot. On the plan you saw last time it was a picnic grove or a parking area. Then they were requested to put a parking rear in. The parking spaces were faced in this opposite version of the February plan. The P&R board asked that they be facing the field. You never want to face your windshield towards a field where a ball could hit it. This is mostly T-ball. In addition, there's extra buffering in the concept plan between left field and the tot lot. The tot lot would be the play equipment relocated from its current location. There's a higher fence in that area also. Just

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granted, it's mostly T-ball, but neighborhood kids could be playing and we want this to be a pickup area. We want people who rent the pavilion to be able to play also. Some people hit harder than others. You want to have it be as safe as possible. Other changes were making sure there were gated entrances from each of the surrounding roads. From day one, there's been parallel parking on Riverside Drive. There were some clarifications that this was not all parallel parking. There were some requests to have head in parking, but it is a public street and parallel parking is what really belongs there. P&R board has that recommendation also. The height of the fencing is noted and I would all be the black coated chain link fence as black recedes into the distance and you see it less as opposed to the green. There was a question on the volley ball court as how do you keep that viable and not becoming a giant litter box. We talked about that before. It's really the constant use of it, the proximity to other active recreation. The more kids you have out on that basketball court, the less likely the cats are going to be in that sand. There is a chance. We've kept that as not as close to the houses as it could have been. It's going to have to be raked and cared for as anything else. Mrs. Yerger asked if there was going to be fencing between the two courts? Ms. Stern Goldstein said they are recommending that there be fencing on the basketball court. No everyone requires fencing on their basketball court. Mrs. Yerger said just so you don't have balls flying to the volleyball court. Ms. Stern Goldstein said she recommends fencing between the two of them. It hasn't totally been decided yet. At the sand edge and the paving edge, she likes to have a separation between them so you don't have people running from one to the other. Mrs. Yerger said if it's not a fence, would there be some other kind of separation you would recommend? Ms. Stern Goldstein said a fence would be the safest separation as if they are plants, they are just going to get run over. You're going to have people bouncing off the fence so as it is. There's a perimeter around the volleyball and nobody should be diving against the fence. Basketball get rough enough a fence might be needed. Mr. Maxfield said is there any concern about sand on the basketball court or are they going to be different elevations? Ms. Stern Goldstein said there's going to be an edge treatment on the volleyball, usually a wooden edge to contain it. Mr. Maxfield said the neighbor's existing stockade fence on the east side, it looks like our fence will be running right next to it. It says "stockade" fence. Ms. Stern Goldstein said at the existing parking area, it makes the turn and it ends right before the little driveway turnaround. Mr. Maxfield said what is going to be the transition between their stockade fence and our fence? Ms. Stern Goldstein said it's going to abut, or the stockade fence could come down and have the whole perimeter park. That is lands of Lower Saucon also. In an ideal world, the stockade would come down in that one section and just meet perpendicular and not make the return. Mr. Cahalan asked what Council's feeling was about lighting the basketball court similar to the court at Town Hall? Mrs. Yerger said has there been any input from people who live right there as pros or cons? Ms. Stern Goldstein said the community was really a mixed bag. People spoke up about the keeping it lit up constantly; some said it was lit too much; some said aren't parks from dawn to dusk, so how can you have lights; and more people spoke up for the need for late night basketball for the age group that is in risk of hanging out. Mr. Kern said what about the neighbors? Mr. Cahalan said Judy said it is pretty well lit now. Ms. Stern Goldstein said she hasn't been out there in the last couple of months, but the night they went to the meeting, the park was over lit. The bulbs were very bright. Mr. Cahalan said they would be introducing the basketball court that is going into a section of the property that was unoccupied and was just a field next to the owner's house. There is no buffering plan. The light would be introducing something there that was not there before. Ms. Stern Goldstein said when you introduce lighting to a basketball court, you are introducing the thumping of balls for the duration while the lights are on, so usually it's not the lights, but the noise from the basketball activity that tends to be objectionable. Mr. Kern asked when do the lights shut off at Town Hall at the basketball courts? Mr. Cahalan said at 10:00 PM. You turn it on, it has so many minutes on it and if it's turned on at 9:59 PM, it will run after 10:00 PM. It isn't a total shutdown.

Mr. Horiszny said if we put lights on this one, we have to get some kind of a sensor because the timers at Town Hall have been problematic and the lights go off or stay on forever even after people leave. Mr. Cahalan said they had to move the timer up on the poles because it was being

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manipulated to run longer than it should have. One of the problems with this timer is when it goes out, it goes black out there and they have to stand around until it comes back on. Mr. Kern said it is supposed to be after 10:00 PM, you can't turn them on at all? Mr. Cahalan said it's not supposed to, but that's been problematic and they have had some issues with it. Ron has come out of some late meetings at the LSA and saw them playing basketball there. Ms. Stern Goldstein said midnight basketball is a bonafide thing. People aged 18 to 25 take advantage of midnight basketball. They can be active, let off some steam in a protective way, but no one wants basketball at midnight if they are going to be hearing it. Mr. Cahalan said they haven't had any complaints from any of the residents around Town Hall. Other than picking up a few Gatorade bottles now and then, there really isn't a problem. Ms. Stern Goldstein said statistics also show parks that have basketball type facilities tend to be safer, more used and more used by families as there are different people there throughout the day. Mr. Kern asked how close were houses to the court? Mr. Cahalan said it's a garage and then the house is on the side. The garage buffers the house. Ms. Stern Goldstein said we're talking significantly less than 200 feet. The garage is a little less than 40 feet to the court. You could also provide the conduit for lights for later or provide lights and not have them stay on after a certain hour and you can adjust that later. She'd hate to have a park designed without electricity out there. At the meeting, a lot of people were for, people were against and people in the middle regarding the lights. Mr. Maxfield said a lot of people were complaining about kids hanging out there late at night and about the existing lights on the pavilion. Ms. Stern Goldstein said it was too bright. Mr. Maxfield said if we are going to agree to lighting there, he would definitely be in favor of some limit and shutoff. He would hate to impose midnight basketball on a neighborhood. Mrs. Yerger said she does like the idea of putting the conduit in for the ability to have lights at some point and also agrees we have to limit how long the lights are on.

Ms. Stern Goldstein said a lot of parks have the rules of dawn to dusk, but then they provide lights that violate what their rules are. She will just caution whatever we do, in general, parks are dawn to dusk unless lit and these parks have these specific hours or something. Mr. Cahalan said they put in their park policies unless an area is designated with lighting. Ms. Stern Goldstein said you have that already then.

Mr. Maxfield said they mentioned that the baseball field was used as a practice field, we may get petitions for lighting there. He can remember one night coming out of a meeting at Town Hall and soccer practice was going on, so he doesn't know how hard this is used. Ms. Stern Goldstein said it's not used hard. The grass in the field was overgrown and not in good repair and the comments she heard were that it's the worst field they have and they will put T-ball on it and some can use it for practice even though it's a short field. Currently, there are large obstacles in the outfield. For T-ball you have less action.

Mr. Maxfield asked if the pavilion was the same size as the existing one? Ms. Stern Goldstein said yes. Mr. Maxfield said that's a good size pavilion.

Mr. Cahalan said we have a heavy schedule this year and don't foresee starting anything with this park until 2011. When we do, it's going to mean this park will be shut down because of the construction so we need to discuss that with everyone. There's a lot of relocating of utilities that have to be done. We wanted to get it to you so you are comfortable with it so we can put it on the schedule for next year. We have funds budgeted for this and we will be doing the same type of thing with the pervious walkways. We are getting better at that. Our Director of Public Works and Road master are going to get certified as Pervious Concrete Technicians. If you are comfortable with it and want to approve it, we can put it in the provision about the electric what Ms. Stern Goldstein recommended with the conduit going in for future use. He will talk to Parks and Rec about what their feeling is about the lighted basketball court. They will come back with strict limits on how long the timer will run. Mr. Horiszny said does Parks and Recs still do their traveling meeting where they go to the various parks? Mr. Cahalan said yes, they are going to start

that next month. Mr. Horiszny said if they left people know when they are going to be at their particular park, probably a lot of people might come out. Mr. Cahalan said that's a good idea. Ms. Stern Goldstein said when they did the meeting at Steel City, it was nice to hear the residents talk about the good and the bad. It was most excellent and she likes the idea of traveling meetings also. Mr. Maxfield said do we have to approve this? Mr. Cahalan said if you feel comfortable to get that approval, then we can start moving ahead on some of the planning now for construction next year.

- MOTION BY:** Mr. Maxfield moved to approve the plan for Steel City Park with the addition of the items we discussed, including conduit.
- SECOND BY:** Mr. Horiszny
- Mr. Kern asked if anyone had any questions? No one raised their hand.
- ROLL CALL:** 4-0 (Mrs. deLeon- Absent)

**D. RESOLUTION #46-2010 - INSTITUTING GUIDELINES FOR WARRANTLESS ARRESTS**

Mr. Kern said Investigator Chris Leidy is in the process of applying for professional accreditation for the Township Police Department from the Police Chief's Association. In order to accomplish that the department must employ best management practices, such as adopting guidelines for warrantless arrests for certain summary criminal offenses. Resolution #46-2010 has been prepared to adopt these guidelines. This resolution has been reviewed by the Solicitor.

**RESOLUTION #46-2010  
RESOLUTION OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY,  
PENNSYLVANIA, INSTITUTING GUIDELINES FOR WARRANTLESS ARRESTS FOR  
CERTAIN SUMMARY CRIMINAL OFFENSES**

**WHEREAS,** Lower Saucon Township has a municipal police force; and

**WHEREAS,** pursuant to 42 Pa.C.S.A. §8902, the governmental body employing the police officer must promulgate guidelines to be followed by a police officer when making a warrantless arrest under the above-cited provision of the law; and

**WHEREAS,** these guidelines are to be followed except for exigent circumstances for warrantless arrests for listed summary offenses under the provision cited above.

**NOW, THEREFORE, BE IT RESOLVED,** by the Council of Lower Saucon Township as follows:

1. A police officer of Lower Saucon Township shall have the right to make a warrantless arrest for the summary offenses set forth in 42 Pa.C.S.A. §8902 in compliance with these guidelines whenever practical.
2. The police officer must actually view the offense and have probable cause for the same.
3. The listed offenses for current warrantless arrests include disorderly conduct, public drunkenness, obstructing highways and other public passages, and the purchase, consumption, possession or transportation of liquor or malt or brewed beverages and any other summary offense which is subsequently added to this list by amendment to the statute (hereinafter "listed offenses").
4. The police officer shall only make a warrantless arrest for the listed offenses if the offender imperils the personal security of any person, including himself or endangers public or private property.

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5. The police officer must exhibit some sign of authority to make the warrantless arrest.
6. The listed offenses should be by citation whenever possible and a warrantless arrest should be the exception based on the circumstances.
7. Police officers should use handcuffs and carefully check and remove from the offender any weapons or items which could cause injury to any person or the offender.
8. All offenders should be removed from the scene, placed in a secure police vehicle, and may be placed in the department's jail cells when necessary. When that person is no longer a threat as specified above, he shall be issued a citation and released.
9. As an alternative or supplement to No. 8 above, the police officer may take the offender to the Northampton County Central Booking Center for arraignment before a District Justice who shall require bail for appearance at a hearing, or in default of bail, proceed as though the parties were appearing before the District Justice upon a summons duly issued and returned.
10. If the offender needs medical or mental health help, the ambulance service shall be notified. A police officer may accompany the ambulance to assist in preventing injury to any party. This may be done by following the ambulance with the police car or by the police officer actually riding in the ambulance to secure the offender.
11. If a juvenile is the offender, the police officer, after securing the offender (in accordance with the Pennsylvania Juvenile Act, 42 Pa.C.S. §6301, et seq.), shall attempt to notify the juvenile's parents or guardians. The offender may be immediately released to his parent or guardian after a citation is issued to the offender.
12. If a juvenile is held securely, he/she shall be segregated from adults who also may be held in that facility whenever practical.
13. Nothing in these guidelines supersedes in anyway the provisions governing warrantless arrests for summary offenses under the Pennsylvania Rules of Criminal Procedure.
14. The aforesaid items are only guidelines for the police officer and the same may be deviated from by the police officer based on unusual, unforeseen or exigent circumstances.
15. This Resolution shall take effect and be in force immediately.

Mr. Cahalan said we don't have anything else to add other than the PD has been working several years to gain accreditation and this is one of the pieces of protocol to have implemented in order to achieve that.

**MOTION BY:** Mr. Horiszny moved for approval of Resolution #46-2010.

**SECOND BY:** Mr. Maxfield

Mr. Kern asked if anyone had any questions? No one raised their hand.

**ROLL CALL:** 4-0 (Mrs. deLeon – Absent)

**E. ORDINANCE ESTABLISHING SCHOOL SAFETY ZONES – AUTHORIZE  
ADVERTISEMENT FOR PUBLIC HEARING AND CONSIDERATION OF ADOPTION**

Mr. Kern said Ordinance #2010-03 has been prepared to amend Chapter 170, Vehicles and Traffic of the Township Code to establish school safety zones at educational institutions along roads in Lower Saucon Township.

Mr. Cahalan said this came out of discussions at the Saucon Valley Partnership where we have representation from LST, Hellertown Borough and the school district. There was a concern about the speeding at the Saucon Valley school campus. Out of that request, it was supported by the Township, Borough and the school district to request a traffic study from PennDOT. The result of

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that traffic study was that PennDOT has asked that a total of about twenty signs denoting school safety zones and speed limits in the morning and the afternoon. There are six signs in Hellertown and fourteen in LST. Those need to be added to the Township code in order to be enforceable.

Mr. Maxfield said except for under the locating section, Rose Lane beginning 200 feet east of Reservoir Road, ending at Reservoir Road. Why Rose Lane? Mr. Cahalan said PennDOT sends you back a map and it says put the speed limit sign here. We're basically locked into those locations.

**MOTION BY:** Mr. Horiszny moved for approval to advertise Ordinance 2010-03.  
**SECOND BY:** Mrs. Yerger  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 4-0 (Mrs. deLeon – Absent)

**VI. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF APRIL 21, 2010 MINUTES**

Mr. Kern said the minutes of the April 21, 2010 Council meeting have been prepared and are ready for Council's review and approval.

Mr. Horiszny said on page 7, line 13, it's a motion and he thinks we missed some of the wording on it. Mr. Cahalan said it says Mr. Maxfield moved for approval per the staff recommendation for Long Ridge – Lower Saucon Road – extension request to complete improvements until November 4, 2010, with condition we change the date. Mr. Horiszny said he doesn't think we changed the date. He thought it was to add NPDES or to find out why they hadn't had the NPDES approval. Attorney Treadwell said he thinks the original staff recommendation was for a year and the change in the date was to November 4, 2010, and it was only six months. Mr. Horiszny said didn't you ask about the NPDES? Mr. Maxfield said that wasn't part of the motion. It was a side question we had.

**MOTION BY:** Mrs. Yerger moved for approval of the April 21, 2010 minutes.  
**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone had any questions? No one raised their hand.  
**ROLL CALL:** 3-1 (Mr. Horiszny – No; Mrs. deLeon – Absent)

**VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

- Matthew Vrable from 4121 Wilson Avenue, Bethlehem Township was present. He lives across from the hill climb, and the river is between them. That road is along the river which is directly across from the hill climb and down from the ATV track. He's spoken with a couple of officers from Lower Saucon and they were very nice about this. The main problem he has is the noise. The past year and a half there is no let up. It's constant and ATV's are running all the time. He's looking at Good Friday, Easter, and every Sunday from 9:30 AM to dusk. What happens is sometimes there is real loud ones and other times there are the softer, but they are all loud. They are louder than motorcycles. He doesn't understand why there aren't rules against them. There could be twenty automobiles over there and you don't hear them. If you can picture this, they have the track, but the back part of the track goes into the woods and it's a horseshoe shape and it echoes out from this horseshoe. They come in here and it is like a loud speaker and that carries on the water. From his house, you can hear the bands from Allentown as that's how the noise carries. He had called Bushkill Motorcycle Club, but they never called him back. He found out in investigating the problem is that the original equipment mufflers for the ATV's are the quietest and most of the guys don't use them. It's like the old days of hotrodding. He's been there for almost fifteen years and it's real quiet other than trains which he likes, and that was his choice. What

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bothers him is he has approval for a bed and breakfast. It's a rustic log cabin look and it's a relaxing look. If he could do away with that noise, it would be great. He built the house twelve years ago, but they've been there before. Mr. Kern said have you noticed that the noise has gotten worse? Mr. Vrable said absolutely. The past two years it seems to have gotten worse. He's home more as he's retired and that could be part of it. He loves to landscape and is outside a lot. It just seems that on Sunday's his wife seems to notice it and it's always there, and especially holidays. He doesn't know what to think. Mr. Maxfield said his understanding was they have two events a year. Mr. Horiszny said that's what they told us. Attorney Treadwell said they have two events opened to the public per year which are hill climb events. They have private club members who are allowed to ride on the property at other times. Mr. Kern said they only have two events a year which are really the noisy ones. Attorney Treadwell said if you are a member and own a four wheeler, you can go there and ride your four wheeler. He doesn't know what their days of operation are. Mr. Vrable said it's every day. Attorney Treadwell said they can look into it. Mr. Maxfield said he thinks whether it's on private property or not, there is the vehicle code and it requires ATV's to be muffled. It is his understanding a lot of them take the muffler off totally as it makes the bike perform louder and faster. That is an enforceable thing. It should at least have a muffler that people don't have to shy away from. Mr. Kern said we do have a noise ordinance and it's difficult to enforce. It requires getting a decibel reading at the property line and it has to be below a certain level. Mr. Vrable said their position is they have the river. Mr. Kern said from an enforcement standpoint, even if the officer is standing in Lower Saucon Township and they are exceeding the decibel level, it's a violation of the ordinance. It's a difficult thing to enforce only because it has to be like fifteen seconds at a certain decibel level. Mr. Vrable said he'd appreciate anything you could do. He'll help you if he can help you. Mrs. Yerger said from the way Mr. Vrable is describing it, they probably have modified these bikes to the point where they may have taken the mufflers completely off. Attorney Treadwell said either the hill climb has changed their pattern of use. If this gentlemen has been there twelve years and he's only noticed it the last year and a half, the bikes haven't changed that much. They changed their pattern of use or people starting taking the mufflers off. Mr. Maxfield said the ATV's are getting more powerful. Attorney Treadwell said the mufflers got as powerful as the bikes. People are modifying them. Mr. Horiszny said when we did our ATV ordinance, did we have anything in it about mufflers? Mr. Maxfield said no, as he thinks that was covered under the vehicle code that they have to be muffled properly. Mr. Horiszny said we should get it checked out. Mr. Kern asked Attorney Treadwell if he could check the enforceability, and also if it falls under the vehicle code, so the police officers can enforce it if they are not muffled properly and if they can go on private property. Attorney Treadwell said he would check it out. Mr. Maxfield said he would suspect we are going to have to talk to the bike club and try to get them to cooperate with us. There are not enough laws to cover the problem and we are going to have to get them to volunteer to help with this situation. Mr. Kern said we just entered into an agreement with them recently. Attorney Treadwell said we have an okay relationship with them. It's pretty open and they've been fairly cooperative. Mrs. Yerger said that would be a good place to start. Mr. Maxfield asked Mr. Vrable to leave his contact information so they could reach him? Mr. Vrable left his information on the sign in sheet.

- Ms. Joan Madzarac, 2074 Easton Road, said she went to the Council meeting last night in Bethlehem – nothing. She gave her speech. She had the name of the company that was manufacturing the lights. They did all of Bethlehem's lights and did the same lights at Bethlehem Fields. The ones they have there are Type 5, which is a spread of 360 degrees in a circular pattern. They are used to illuminate a large, open area. That is not a large, open area. They totally disregarded that there was a neighborhood there. According to the fact sheet, they have another type of light. They claim they are a dark sky compliant company and they have a Type 3 lighting used for sidewalks and roadway application where light output flows up and down the street. This option is considered a house side shield as it keeps the light out of windows by redirecting the light output in a long and narrow pattern. They also have a warranty that says it does not include failures as a result of improper installation, mishandling or misapplication. This is definitely a

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misapplication. They sent an email to Mr. Cahalan and an email to Judy Ranier from Boyd Wilson inviting her to come here. She also invited a representative from Bethlehem to come here and state why these lights are the only lights they have. They said when Greg Kreider and Michael Alkhal were there, and they said in order to change the lights, they would have to change the poles. According to this, they only have one type of pole and all their lights fit on that particular pole. They don't even listen to her anymore and don't even want her to be there. The reporter that interviewed her, when they walked out, he asked her if she was getting ready to move? She said no, why should she move, she's lived there her whole life. She has no place to go. He said he talked to Michael Alkhal who said as far as the City is concerned this is over. They are happy with what is there. They approved it and it meets their code. That's it. It's now between her and Boyd Wilson. Everybody thinks the City can still do something, but they refuse. They said this is what they want. According to what this says, they wanted the project to have a historic main street look. You can't make boxes look historic. Yesterday morning she spent the whole morning in Court. She wanted to see what the procedure was there. There were two cases, and everyone who came there, the Judge told them get together with these people and try to settle it yourselves. She's trying, but they will not answer her emails and they are just ignoring her. Mr. Kern said Mr. Cahalan has been doing some research trying to get them dark sky compliant as they aren't right now. Ms. Madzarac said they are ruining this company's reputation as these are not the proper lights. Mr. Kern said they do have night fixtures that they can put on top of the poles, but they are expensive. Ms. Madzarac said they told her the hats are expensive and she told them to stop putting the hats on them because you can't control 360 degree lights. Mr. Cahalan said he contacted the company, Niland, down in El Paso, Texas where they are manufactured. He looked up and saw they had a dark sky reflector retrofit which looked like it was an element that would fit over the bulb as a cover. That looked like something that might help and was inexpensive. He contacted them and they put him in touch with a company in Allentown, Diversified Lighting Associates who handles Niland products in this area. He spoke to a woman there about that and she said unfortunately, they no longer make this unit due to the fact that it was not cost effective to them. She said she'd do some research and said they do offer the Barcelona unit which is a complete post top. If you look at those, they are dark sky or twilight series of lights. Those are dark sky compliant and have a whole range of lights. There's a cap on the top and as Mr. Kern said, they are expensive. She quoted him for one top a cost of \$2,300.00. The unit that is concerning you, is a two light unit, which is their Cleveland series of lights. That really is the only thing that would make it dark sky compliant but he doesn't think that would solve the problem of the light spillage coming out on the side. Ms. Madzarac said it doesn't cover the bulb itself, that flows up and all around. It comes right into the house. She already spent almost \$300.00 trying to keep those lights out of her house. She planted six new trees, but she can't put them in front of her house because of the pipes. She got new blinds and new extra linings to put on her drapes. She's okay for the winter, but for the summer, there's no way. They came to the house and she opened up the garage as the light goes right through her garage into her neighbor's garage and you can see the light. They turned off that street light in Hellertown. They thought it was that. She said it was the light across the street so they turned off one light down below which was really bright and when he looked over, he said you can still see his truck as it is so bright. It still goes through her garage. Her neighbor was waiting for them and she saw them over at house, and she said to them that she saw it didn't work what they did. The man said we fixed Joan's house. They didn't, they are lying about this. They want these lights and that's all there is to it. She will have to take them to Court as there is no other choice. Mr. Kern said did you ever suggest his \$4.59 solution – a can of black spray paint? Ms. Madzarac said she did tell them that. She said you could go to any person who works with metal and put a metal screen on it. They want it to be beautiful, but it's not beautiful. She feels like she's not even at the meeting. The only people who appreciate her are the audience. Mr. Maxfield said do any of your neighbors go to the meetings with you? Ms. Madzarac said yes, but she's the one who is most affected as it comes in all sides of her house. One neighbor who is 85 years old locks herself in the house and we have to check on her as they are afraid for her. She said she's also up in age and it was so hot she had to sleep in the basement on a lounge

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chair. Last Sunday she slept in the tub. What is she supposed to do? She has no place to go to open a window where she can get some air. Mrs. Yerger said she's surprised this doesn't affect the people who live in that development. Ms. Madzarac said they talked to one guy and he said he closes his blinds and the light goes right in his bedroom also. They have the blinds that can close up real tight. He said he isn't going to be there very long, so he doesn't care. The people who face her in Building I, they have their doors open and their windows open. They can't open their doors or windows anymore as they are all lit up. When you walk down Easton Road, you can see them watching TV and on her side, the houses are closed up so tight. Mrs. Yerger said the only thing she can think of is it's coming down to dollars. They are not going to do what they should do because it's going to be expensive. Maybe you could get enough support within from the people who are renting these units as that would reflect the income of the property owner. Ms. Madzarac said they will tell them what they told her – move. Mrs. Yerger said she would think not. If they have the idea that enough people don't want to stay there because of the lighting, they may listen to them a little more, especially if you could get 20 or 30 of them. Mr. Maxfield said he remembers when they gave Council a complimentary plan to review and told us they would be marketing to young, transient professionals. People who would come in a few months and then leave. Ms. Madzarac said the moving vans are there constantly. Mr. Maxfield said it's a convenience thing for them. Mr. Horiszny said do you think a letter to the landowner would help? Mr. Kern said do you know what the current wattage is of the bulbs? He just got a note from the Planner saying why not reduce the light of the bulbs? Ms. Madzarac said she didn't know the wattage of the bulbs. It's a circular light and she doesn't know how to control that. Mrs. Yerger said for example, instead of having a 75 watt bulb, go down to a 25 watt bulb. It might be worth looking into and it wouldn't cost a lot of money like the shields would. Ms. Madzarac said Mr. Alkhal said they sent their engineers out and they are happy and it's what they want and have approved it. Mrs. Yerger said it might be worth looking into if you could get someone to give you a straight answer. The wattage may be over what is needed for that particular light. Ms. Madzarac said her place is starting to look like a dump as her bushes are growing so high. Last year when they turned the lights on, she had beautiful apples on her trees and they all fell off but one because that's too much light at night. Mrs. Yerger said find out and ask them to replace the bulbs. Ms. Madzarac said the lights last 10,000 hours. She told them she has ten lights, one spotlight and six porch lights shining on her property. The flood light, she can't escape that one either. Mr. Maxfield said did you ever call the County and see if they have a lighting plan on record for that development? In order to figure out what kind of lights they needed and the coverage they needed and to satisfy the engineers, there should have been a lighting plan. Attorney Treadwell said the City should have it and it would probably be easier to get it from them if there is one. Mr. Cahalan said that would be Tracy Samuelson if you want to look at the file. Ask for the lighting plan. Mr. Kern said see what the wattage specification was supposed to be. Mr. Maxfield said they should also show coverage and the strength of the light as it fades out away from the bulb. Mr. Kern said if she can get a copy, he will look at it. Ms. Madzarac said she's going to have to do it alone. They lowered the value of her property. She's so tired of people walking over her and she's not going to take it anymore. Mr. Maxfield said even if you are going to go to court, that lighting plan might be a handy thing to have. Mr. Maxfield said our lighting plans need to show exactly what the candle is at the property boundary, so they should be doing something like that also. It's just that their property boundary is Lower Saucon Township's property boundary also.

**VII. COUNCIL AND STAFF REPORTS**

**A. TOWNSHIP MANAGER**

- Mr. Cahalan said he has some recommendations for appointments to the EAC as Associates. There are five Associates which were established by adoption of the by-laws at a previous meeting. With Colin Guerra filling the voting position, there are two vacancies. He's recommending that Council appoint Dr. Dru Germanoski and Karen Dancho to those two vacancies in the Associates. Council is familiar with Dr. Germanoski.

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Karen Dancho is a resident of 2251 Apple Street and has been employed at the City of Bethlehem's waste water treatment plant. She coordinates the city's Earth Day activities and headed the riparian buffer project at the waste water plant. Both Dr. Germanoski and Ms. Dancho would be appointed for a one year term and that would expire on 12/31/2010.

**MOTION BY:** Mrs. Yerger moved for approval for Dr. Dru Germanoski and Karen Dancho to fill the Associate positions that are vacant on the EAC.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 4-0 (Mrs. deLeon – Absent)

Mr. Kern said he has to ask this as he doesn't know what went on at our last Council meeting regarding the EAC appointments. Five years ago he moved at a Council meeting, which he thought was the simplest thing you could move, to create a pool of people which the EAC could draw from whenever there was a vacancy. He doesn't know what happened last meeting. Mr. Maxfield said the only thing he can think of was there was a disagreement on protocol. It was that simple. For instance, when Robert's Rules require someone to come and submit their resignation, and have that resignation accepted, what are we going to say, no you can't resign, you have to stay and serve. That's too much protocol. If someone resigns, someone resigns. He likes keeping it simple and that's where it went crazy. Some individuals don't like it simple. That's his opinion. Mr. Kern said where are we now with the process? The motion was five years ago to create a pool from which the EAC can draw. Mrs. Yerger said what they have created now is we actually have additional associates. We have increased the number to five associates, which is essentially your pool of people who can't vote when they make a motion. They want to hear their opinion, but it's not an official count. That's where most of the EAC people start. It used to be a non-voting member and now they changed it to Associate. They learn what the EAC does and learn if it's something they really want to be bothered with. When the vacancies happen in the voting members, then they turn to their associates of the EAC to fill that vacancy. We just changed a lot of the terminology. Mr. Maxfield said other than changing the associate terms to one year instead of keeping the staggered term, now we have whoever comes in is approved for that year which makes it much, much easier to keep track of. Mr. Kern said is everything clear now so we can avoid a 45 minute discussion in the future? Mr. Maxfield said we may think things are clean, but maybe they aren't. Mrs. Yerger said they worked with Linc's help and the EAC's help to make sure all their bases are covered to provide a clear guideline. She really thinks it's going to work. Mr. Maxfield said there was a point made there was an approved resolution from years ago which stated certain things. He would suggest maybe we should send rescind that resolution and replace it with another one detailing the changes just to make it clean. Mrs. Yerger said that's a great idea and she'd like to direct staff to work with Attorney Treadwell to look up that old resolution and make sure that what was stated in the resolution are we are in compliance with and the sections that have changed, make a new resolution to cover the changes.

**MOTION BY:** Mrs. Yerger moved to direct staff to work with Attorney Treadwell as stated above.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 4-0 (Mrs. deLeon – Absent)

Attorney Treadwell said going forward, the Associates will be recommended to and approved by Council? Mrs. Yerger said yes. Attorney Treadwell said the seven members referred to in the ordinance and the associates, now all get appointed by Council with the Manager's recommendation. Mrs. Yerger said yes. Mr. Maxfield said when we appoint Associates, there's always potential they can move into a voting position, so why not treat it

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the same as far as appointments are concerned. Mrs. Yerger said the Manager is always gracious enough to solicit the current EAC members to see if they have any recommendations.

- Mr. Cahalan said appointment to a vacancy on the Park and Recreation board, he is recommending the appointment of Judy Rossell to fill a vacant slot. Judy resides at 1629 Merrick Circle and has lived in the Township for 38 years. She has a Master's Degree in Parks and Recreation Administration and is a retired public school teacher. She will be filling out the remainder of a one year term that expires on 12/31/2010.

**MOTION BY:** Mr. Horiszny moved for approval for the appointment of Judy Rossell to fill a one year term on the Parks and Recreation board until 12/31/2010.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 4-0 (Mrs. deLeon – Absent)

- Mr. Cahalan said last year at this time before the Sands Casino opened up, they did traffic counts at intersections in five of the contiguous municipalities. The purpose of that was to get some baseline traffic counts before it opened, now it's time to get some comparisons. He has a request from Jim Milot from Hanover Engineering. He did talk to the Manager's in Hellertown, Freemansburg, Bethlehem Township and Hanover Township. Hellertown, Freemansburg and Lower Saucon Township to see if they were interested in doing the traffic counts now. Bethlehem Township and Hanover Township indicated they would prefer to wait and do them after the table games come in July. They will not participate in this; therefore, we have cut down the number of intersections that are going to be done. Our intersections and turning movement intersections will be Route 78 north of Mountain Drive, Puggy Lane, Mountain Drive, and the 378 intersection. Last year they added the Friedensville Road and Creek Road, Hickory Hill, Friedensville Road and Bingen Mountain Drive intersections. Those will be done sometime towards the end of this month. There is a cost for that of \$3,151.00 that we need approval for to give the go ahead to HEA. Mr. Kern said Bethlehem Township may have a good point of waiting until after the table games are in. Mr. Cahalan said one of the reasons they are doing this is the County Gaming Revenue and Redevelopment Authority will shortly be announcing the grant application window which will open up in June and it's going to be closing by July. We need to get traffic count data together to submit with our grant application. He'd be afraid if we waited until the table games are coming which they are saying are coming sometime in July, and he's not sure that's a definite. It may take a while and we may be submitting an application with incomplete data on the traffic count. His recommendation would be to go ahead and do the counts now and at least we'll have some data to submit with the applications. Mr. Kern said do we know how much the traffic count cost last time? Mr. Cahalan said it was more. Mr. Kern said we might want to do one after the table games are in depending on the cost. Mr. Cahalan said this is going to be a yearly cycle for the grant applications. If we submit this one in June, that is basically it for 2010. In 2011, another application cycle will open up and we will have a chance to do traffic counts for the table games and it probably would be more valid once they are more established. The hotel will be open up by that time and people will be staying over. Mrs. Yerger said the numbers might be in our favor, in that sense.

**MOTION BY:** Mr. Maxfield moved for approval for HEA to do a traffic study as stated above by Mr. Cahalan.

**SECOND BY:** Mr. Horiszny

**ROLL CALL:** 4-0 (Absent – Mrs. deLeon)

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**B. COUNCIL/JR. COUNCIL**

**Kimberly Kelly** – Absent

**Mr. Maxfield**

➤ He said looking at the occupancy permits, Fran Robb from the Historic Society just became a homeowner right across the creek from Mr. Kern, so welcome Fran.

**Mrs. Yerger** – No report

**Mr. Horiszny**

➤ He said the Se-Wy-Co Fire Company has an open house this Saturday, May 8, 2010 from 10:00 AM to 1:00 PM and you are all welcome to stop in and see us.

**Mr. Kern** – No report

**Mrs. deLeon** – Absent

**D. SOLICITOR** – No report

**E. ENGINEER** – No report

**F. PLANNER** – No report

**VIII. ADJOURNMENT**

**MOTION BY:** Mrs. Yerger moved for adjournment. The time was 8:24 PM.

**SECOND BY:** Mr. Maxfield

Mr. Kern asked if anyone had any questions? No one raised their hand.

**ROLL CALL:** 4-0 (Mrs. deLeon)

Submitted by:

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Jack Cahalan  
Township Manager

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Glenn Kern  
President of Council