

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, July 18, 2007 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; Thomas Maxfield, Vice President; Priscilla deLeon, Sandra Yerger and Ron Horiszny, Council Members; Jack Cahalan, Township Manager; Assistant Township Manager, Leslie Huhn; Brien Kocher, Township Engineer; Township Solicitor, Linc Treadwell; Township Planner, Rick Tralies; and Jr. Council Member, Vanessa Segaline.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Kern said Council met in Executive Session tonight to discuss Real Estate.

MOTION BY: Mr. Kern moved to authorize payment up to \$550,000 for conservation easement for parcel R7-7-3A-0719 subject to the execution of conservation easement between the buyers and the township. This parcel is 40 plus acres, on the township NRI, it's a beautiful piece of property, that has 1 mile of Saucon Creek that will be preserved "forever wild" in addition to the 40 plus acres and represents an opportunity for the residents of LST.

Mr. Kern asked if anyone in the audience had any questions. A resident asked a question, but did not come to the microphone, and it could not be heard what he asked.

SECOND BY: Tom Maxfield

ROLL CALL: 5-0

Mr. Kern said Council met in Executive Session to discuss litigation with Popple Construction Company.

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Kern said for citizen agenda items – Council operates under Robert's Rules. What that means is during agenda items, Council will talk amongst themselves and amongst staff and the interested parties. At the conclusion of that, we open it up to the public for public comment. There is an opportunity for non-agenda items at the end of the meeting to discuss whatever your business might be. We do have a microphone and there are microphones up at the table. There is a sign-in sheet in the back of the room. Please print your name and address and email address. It is very helpful in transcribing the minutes. For those who want to receive emailed agendas, please give your email address to Diane, Leslie, or Jack or call the Township office. Please state your name and address. If you can't hear, please let us know. Mr. Kern asked if anything was taken off the agenda this evening? Mr. Cahalan said 4B, Creekside Marketplace. They received a communication from the entity that they will take care of the punch list items.

III. PRESENTATIONS/HEARINGS

A. MAJESTIC REALTY – HEARING REGARDING BASELINE ENVIRONMENTAL REPORT SUBMISSION TO DEP

Mr. Kern said the final Baseline Environmental Report concerning investigation of contamination and redevelopment of approximately 450 acres of the former Bethlehem Steel Corporation property located in the city of Bethlehem has been completed and LST has requested the opportunity for public comment. Representatives of the developer are here tonight to present the report and answer questions.

MOTION BY: Mr. Maxfield moved to open the hearing.

SECOND BY: Mr. Horiszny

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

Mr. John Judge, from Montgomery McCracken and Attorney Jim Preston were present. He said Majestic is based in Los Angeles, CA, and is a developer of industrial, of manufacturing and warehousing facilities. They are discussing the development of 450 acres. Majestic picked the prime 450 acres of the 1600 acre area. They are here tonight for revitalization of the abandoned property. There is availability of the report at three locations. Comment period began July 13 through August 13. The site has been studied extensively by which analytical results were obtained. There were 12 ground water wells, and utilized data from 60 other existing wells. He's done a fair amount of Act 2 studies and this has been the most extensive study. Tom Nolan, principal of O'Brien and Gear was present. The plan going forward is after the public comments are received, Majestic and O'Brien and Gear will evaluate them and respond to those comments. A new section of the baseline report will then be added which will include all the comments and then be submitted to PA DEP for final approval. After that final approval, Majestic will execute a consent order and agreement. Pursuant to that agreement, Majestic will be responsible to implement certain remedial measures at the property, which are detailed in the baseline environmental report. The material in that area is primarily slag, some areas are 70 feet deep. Slag is a wonderful material especially if you want to construct an industrial park. The metals from the steelmaking process are bound up in the slag. The soil and slag investigation detected the metals you'd find in steelmaking. There are underground storage tanks with petroleum products finding levels of contamination consistent with old tanks. The levels of soil contamination do not cause concern from federal regulatory standpoint. Concurrently with the Act 2 process, it is anticipated that the US DEP will issue a final decision document which states its opinion of its investigation and the remedial plan. They anticipate no problems in that regard. He showed the area on the map, the yellow area is Majestic, 20 acres is located in Lower Saucon Township. The graphic showed old buildings which have now all been demolished with exception of the concrete slabs. Pursuant to the agreement of sale with BSC, Bethlehem retained responsibility of investigation of regional or site wide groundwater which included the entire BSC complex which were their responsibilities for federal obligations. Ground water wells were installed in most relevant areas with the BSC complex. There were 60 wells that were measured in total but there are more wells. Ground water travels perpendicular to what the contour lines show. On the graphic, he showed the overburden aquifer, top 70 feet or so. There is a different pattern in the deeper bedrock aquifer which is below 80 to 150 feet. You still have the general pattern of ground water flow traversing the property and away from LST. BSC retained responsibility for site ground water and that investigation is still ongoing and will be for several years. BSC sold this to Middle and Middle sold it to Lehigh Industrial Park and they are completing the soil investigation. The remediation is what he considered a typical Act 2 project. When hot spots are encountered, where free product, diesel fuel still sitting there...that has to be removed or if some other weird thing comes up, that material will

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have to be removed. There is a soil management report and they will have to grade the property correctly. Another soil management plan has been approved by the area that is being developed by Lehigh Industrial Park. Only one ground water well was found in LST, MW10 and nothing extraordinary was found in it, but a slightly elevated area of boreline, but nothing to cause concern. Under Act 2 program, all statewide health standards were met for the contaminates that are regulated under the act with an exception to a couple of areas in the far west and north corner of the site, outside of their parcel.

Mrs. deLeon said S11, that's the old residual landfill. Mr. Judge said S11 was not acquired by Majestic. It's not a residual landfill; it was a liquid waste landfill. Mr. Nolan said there are two south landfills which are a part of LST, and when that was closed under the state regulations, the S11 impoundment was a regulated unit which [was] closed by the state. That's out of our parcel to the north.

Rich Sichler, was present, and said he had no comments or questions at this time.

Mrs. deLeon said August 13 is the deadline for the comment period. Mr. Sichler said he has to review more of this information. Mrs. deLeon said this put them in a dilemma as their next Council meeting is August 15. Mr. Sichler said they can do that within the public comment time. Mrs. deLeon was always concerned with the direction of ground water coming off the site as people around there drink the well water. She's been collecting much information on the Bethlehem and the IESI landfill for years. Will this additional information address this? Mr. Judge said there's a regional groundwater program that is still being conducted and underway. The work they've done for the Majestic parcel, the data suggests the flow goes away from LST. From a regional standpoint, he wouldn't profess that work has been completed. The well they installed which is in LST, did not detect any contaminants, so that is positive information.

Mr. Maxfield said the EAC met and there are some recommendations from the EAC. They want them to be part of the record and part of their response.

Mr. Kern asked if anyone in the audience wanted to comment? No one raised their hand.

MOTION BY: Mrs. Yerger moved to close the hearing.

SECOND BY: Mr. Horiszny

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

MOTION BY: Mrs. deLeon moved to direct the staff to forward any comments they have to the appropriate place.

SECOND BY: Mr. Kern

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

B. WISE CONSULTANTS – REVIEW OF HELLER HOMESTEAD HISTORIC SURVEY

Mr. Kern said Bob Wise and Seth Hinshaw from Wise Preservation Planning are here tonight before Council to discuss the revisions that Council requested to be made to the historic survey form they prepared for the Michael Heller Homestead.

Mr. Wise said they are located in Chester Springs. Seth Hinshaw is the senior planner. Mr. Wise said he had a few pictures of the building. There is the Lutz Franklin schoolhouse. They were asked earlier this year to submit a proposal to conduct the necessary research to fill out the historic

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survey form which determines the eligibility for the national register. In the spring they submitted it and it was accepted and they began doing the research as of April of this year for both buildings. Towards the end of April, they came out on a very wet day and accessed the architectural elements of both properties. In early June they submitted their first draft of their survey form to the Township which includes photographs, maps, a physical description, historical description and LST returned it with some changes to the Michael Heller Homestead and they made the changes and submitted it back to LST. The Lutz-Franklin Schoolhouse document was sent to the PA Historical & Museum Commission, and their bureau reviewed the forms and makes the determination of eligibility. He showed a slide show of the Lutz-Franklin Schoolhouse and showed where all buildings, and gave a brief history. There were no restrooms. The building had the old heating system and implements that were part of the school from the beginning. He showed the attic and an interesting truss system in the building.

Mr. Horiszny asked how long the state will take to decide? Mr. Wise said 60 days. The Michael Heller Farmstead is located on Friedensville Road. He showed a slide show of the Heller Homestead and showed where all the buildings were and gave a brief history. The building was altered on the inside and on the outside some time after 1930 to what you see now. He showed the rear section which was the 1750 section. The Heller's owned the property for 75 years and went through various owners. Mr. Kern asked what the roofline was on the older section. Mr. Wise said quite rarely you'll find a shed roof type of building attached to the rear of another building. This may have been that and they don't remember what they determined back there. The winter fireplace was within the building to heat it. Mrs. deLeon said in the late 90's there was a chimney and the township did take that down. Mr. Wise showed the interior from the front door. He showed the second floor of the building, the fireplace, which is not real, and the Widow's House which was built around 1850. The building was restored in the 1930's and again undergoing a nice restoration now. It's indicative of how successful this building was at one time. He showed the winding steps. The barn no longer exists, but it's a massive stone ruin on the one end of the property and the stone arch is still visible in the middle. He showed the root cellar. They completed this and submitted it. Council read through it and found some changes and they were addressed. They had termed it a Farmstead and it was determined it would be Homestead. The Stever family name had two "e's" in it, and they corrected that. There was a correction in the chain of title in the 1930's which they fixed. The widow's house said it had asphalt roof, but it actually had a slate roof and some minor corrections. Mrs. deLeon said at the last Council meeting they talked about changing the Farmstead versus Homestead and went back to keeping it Homestead. Last night she was at a meeting and there was a talk about farms and homesteads. After they left the meeting, she said it really should be a farmstead. The sign doesn't have to be changed, but on this application to the state it should reflect what the site is. This has several buildings on it and that's the meaning of farmstead. Mr. Wise said they call it a farmstead. He doesn't know whether the state would withdraw it because of that. They've done many of these, and they always referred to them as farmsteads. Mrs. Yerger said you don't think the PHMC would have a problem with homestead instead of farmstead. Mr. Wise said on the second page, they can change it to Michael Heller, Farmstead. Mrs. deLeon said she'd like the official name to be Farmstead, but it can be called the Homestead. She said the firm has been very helpful and very accommodating. There were some minor little changes where it says historical narrative. On the one page, LST Historical Society, it should be the LST Conservancy. There was something with the Geyer's owning it from 1940 and they are the ones that made the changes. The widow's house where it talks about the slate shingles, it should be asphalt, but they were made to look like slate, so the main house has slate, but the widow's house has asphalt. That needed to be changed. Mr. Cahalan said at the last meeting, they asked them to change it to slate, now he's confused. The first one had asphalt, they changed it to slate. It should say slate shingles (Widow's House). It should be asphalt shingles. Mr. Cahalan said they'll have to check on that. Mrs. deLeon said on the historical narrative, it says a "saw mill" instead of a "mill". Mr. Wise said yes, they can change it. Mr. Cahalan said it says 150 acres and the second page it says 250 acres, is that correct? Mr. Hinshaw said Nicolas Walbert

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purchased two separate pieces of property and after he was not able to make the payments, he sold the two pieces at one time to Michael Heller. When he filed his paperwork, the two of them were lumped in together as one piece of property, so the original purchase was for the one piece, then Walbert picked up the second piece. The next document, which is Michael Heller's first one is the acreage together, which is the 250 acres.

Mrs. deLeon said when the township was deeded the land from Society Hill, they were given one parcel, and the township divided it into two parcels. One of the parcels is the homestead and the other one is the park and the chain of title only lists the one parcel. Mr. Hinshaw said at the time, when he was doing the research for the house, he didn't write down if there was another piece of property included in the same deed. She asked if Linc has the deeds. He said they can certainly look for them. Mr. Wise said what Seth has done, he has the property with the house on it, and for this purpose, that's what is relevant.

MOTION BY: Mrs. deLeon moved to send this to PHMC under the name of Michael Heller Farmstead.

Mr. Maxfield said he thought they'd get a final copy of all the changes. Mr. Wise said they can get it to Jack tomorrow. Mrs. deLeon said then they have to wait another month.

SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

IV. DEVELOPER ITEMS

A. ZONING HEARING BOARD VARIANCES

1. GEORGE STECKEL – 2215 MIXSELL AVE. – REQUEST VARIANCE FROM FRONT YARD SETBACK TO CONSTRUCT HOUSE

Mr. Kern said the applicant is proposing to construct a home on a small lot in the RA zoning district and is requesting approximately 20' of relief from the required front yard setback.

George Steckel was present. Mrs. Yerger said on the memo from Chris, it said the lot was vacant, but on the application it said there was a modular on it. Mr. Steckel said there was a modular on it. He showed Council a picture of it. Council took no action.

2. GEOFFREY REIS AND CORINE METZ – 3729 LOWER SAUCON ROAD – REQUEST VARIANCE FROM FRONT YARD SETBACKS TO INSTALL FENCE

Mr. Kern said the applicant is seeking a variance to install a fence in the required front yards.

Present – Geoffrey Reis. Mr. Maxfield said he doesn't have a problem with the setback requirement, but from the information provided, he couldn't tell if the fence is going to come close to the existing creek. Mr. Reis said no. The creek diverts over to the Panick property. Mr. Garges said the question that came up when they deal with the road frontages, the variance talks about not allowing the fence in the required front yard. The front yard is measured from the required right of way. In this instance along LS Road, the proximity of the house and the garage to LS Road, he questioned what would be the closest that the applicant would be able to put the fence to the road. Attorney Treadwell said they

would use the existing right-of-way. The legal right-of-way which would be 16-1/2 feet from the center of the road. Mr. Maxfield said would it put an uncomfortable space between the hedge and the fence or do we know? Mr. Garges said he doesn't know that. It looks like the house is about 24 feet roughly off of the center of the road, 16-1/2 being the legal right of way, so it looks like there would be some room. Attorney Treadwell said they can't tell what's in front of them what the distance would be. Mr. Reis said the hedge is about 6 feet deep from the road back, so there's no intrusion from the road. He's had a fence and a hedge there since the 1800's. They are not creating any new situations. The fence probably won't be visible from the road because of the hedges.

Council took no action.

3. JAMES & CORRINE CROOK – 1970 SUNDERLAND DRIVE – REQUEST VARIANCE TO ENCROACH INTO SIDE YARD SETBACKS TO CONSTRUCT AN ADDITION TO THE EXISTING HOUSE

Mr. Kern said the applicant is seeking to construct a ground floor addition in the required side yard setback and is requesting approximately 5' of relief.

Present was James & Corrine Crook. Mrs. deLeon said on Mr. Garges memo, it says the current impervious coverage is approximately 4,700 sq. feet or 11%. The proposed impervious coverage is approximately 5,180 sq. feet or 12%. What is the allowed impervious coverage for that lot? Mr. Garges said the R40 is 25%. It's about a one acre lot, so there is a lot remaining.

Council took no action.

4. DAVE & JANE PATRIARCA – 3804 LOWER SAUCON ROAD – REQUEST VARIANCE TO DISTURB FLOOD PLAIN SOIL TO CONSTRUCT ADDITION TO DWELLING

Mr. Kern said the applicant is seeking a zoning variance to construct an addition to their dwelling which is located within the FEMA 100 yr. flood plain and within flood plain soils, which are 100% protected from disturbance.

Present – Jane & Dave Patriarca and Edward McKarski, Counsel for applicant. Mr. McKarski said he understands there was an issue with Council as to the interpretation of the ordinance and whether or not it would result in construction or disturbance of soil in the flood plain. He understands HEA had issued an opinion letter stating this could be interpreted as not in violation if it was determined by Council it was not new construction. They submit it is an improvement of the existing structure since it is an addition to the existing structure, and therefore, does not meet the definition of a new structure, under section 90-28. They have an appraisal showing they can meet the criteria of 90-28, and therefore, it would be the position of the applicant it would not fall under the prohibition of new construction. Attorney Treadwell said he can't answer as he hasn't seen that documentation. There are still issues of the disturbance of flood plains. Mr. Garges said Brien and him have discussed that and there was a letter put out in June. What Mr. McKarski was referring to was the flood plain ordinance which has a section that deals with existing non conforming homes. The original interpretation of the ordinance talks about any new construction within the flood plain. This isn't a new construction, it's an existing building. Mr. Kocher's June 14 letter negates the new construction. Mr. Kocher said the first time we looked at it, there were 8 items, and one item was the flood plain does prohibit new construction. Chris and Mr. Kocher looked at it and the ordinance has

provisions for expansion of existing structures. They still have to meet all the requirements of the ordinance and follow all items in the letter and get the variance for disturbance of flood plain soils, and they may not get that. They have provided enough documentation that it isn't new construction. They still need variances to meet provisions, which their engineer has to provide. Mr. Garges said 5 and 6 have been taken care of. There are three areas on the letter that have to be taken care of...two are zoning variances, construction within the FEMA floodplain and the 50 foot buffer zone. They still need three variances. Mr. Garges said Council must take action on the three issues. Mr. Kern said what is the implication of building in the flood plain soils? Mr. Garges said they have the applicant sign a hold harmless agreement so the township is not held accountable. Mr. Maxfield said that doesn't prohibit damage that will happen downstream. The first time you came to us you there was an offer to remove things and add and subtract square footage. Now we basically have a request to keep it all and increase the impervious coverage in the flood plain area. He'd like to see the people from the township downstream win somehow. He's not comfortable with adding more things in the floodplain. Mr. McKarski said they are willing to take out the pool area which would then make it an equal swap to help improve any situation. Mr. Maxfield said the pool and garage added up to 1,000 sq. feet and the house was about 750 for the addition. Mr. McKarski had some diagrams and distributed them to Council. Ms. Patriarca said the square footage for the deck and pool are joined and she shows on the map, which is 750 and 85 square feet given back. Mr. Maxfield said that would make him feel much better to take down the pool and deck. Mr. Kern said given that new information, it's more agreeable to the Township. Mr. Patriarca said with Southeastern being so close, would the pool help in case of fire, or should we think of that before taking that away. Mr. Maxfield said the creek is there. There have been more floods than fires on this particular property. Attorney Treadwell said if Council is not going to take any action, Attorney McKarski will present this to the ZHB. Mr. Patriarca said will it benefit them to move the addition to meet the 50 feet requirement, but in doing that, it puts the addition further forward. Mr. Kocher said it will be appropriate to present that to the appropriate body at that time.

5. R.M.S. FAMILY LTD. PARTNERSHIP – 1850 FRIEDENSVILLE ROAD – REQUEST VARIANCE TO REPLACE TWO EXISTING SIGNS WITH ONE SIGN

Mr. Kern said the applicant is seeking a variance to construct a new sign replacing two existing ones.

Kate Durso from Fitzpatrick, Lentz and Bubba and the Mr. Sign, the property owner were present. Mr. Kern said they've said on repeated occasions to have a sign similar to the wooden structure that exists rather than the new brightly lit sign you are proposing. Ms. Durso said the issue is that the tenant going into the building is a franchise and the franchise requires it to have a lit sign. Mr. Maxfield said that franchise will be working in LST. Ms. Durso said the two existing tenants who have the currently lit sign, said they may not remain tenants if they change it to the wooden signs from the lit sign. Mr. Kern said they can increase the sign width if they agree to go with the style Council suggested. Ms. Durso said if we can have something more specific to show the tenants, is there anything in the area we could show them. Mr. Kern said it's a very attractive sign, larger, with a light on it, but no light internal in the sign. What is permitted is 32 square feet. Mr. Maxfield said they want to permit the additional square footage, and don't want it to look like a strip mall. It can be "wood" looking. Mr. Kern said if you come back with something that approximates the sign on the property, they would be willing to listen. The applicant said his tenants signed a contract. Mr. Kern said we are compromising and saying they will permit a sign up to the 75 square feet with lights on it, not in it. The applicant said he has to ask the tenants about the sign. Mr. Maxfield said if the tenants

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erected signs that are not permitted, they are in violation. Attorney Treadwell said they could put it off a month instead of going to the ZHB on Monday. Ms. Durso said they would agree to that. Attorney Treadwell said the applicant should talk to his tenants and then talk to him and Mr. Garges. Mr. Kern said the location and size are okay. We did mention this several meetings ago.

B. CREEKSIDE MARKETPLACE – RT. 412 – REQUEST AUTHORIZATION TO DRAW SECURITY TO COMPLETE PUNCH LIST ITEMS

Taken off agenda.

C. IESI LANDFILL – UPDATE ON BASIN 7 ISSUES

Mr. Kern said Sam Donato and Rick Bodner from the IESI Landfill will provide an update to Council on the status of the discussions that have taken place between Township staff and IESI regarding the temporary basin pumping, the conversion from temporary basin pumping to a final gravity drainage design, and the results of their investigation of gravity drainage alternatives.

Applicant not present.

Attorney Treadwell said they had a meeting with Attorney Elliott and Brooman on Monday and they were going to come tonight, but they felt they were not ready yet with not enough information being presented to Council. They are working on it, but not ready to present it. Mr. Birdsall said they were kind enough to let them see where the pipe will be located. They'll have a better understanding of what the terrain will look like. A serious concern is they have to drain this with gravity and the way to do it with their permit is to run it around to the west. They are working on a time line as to make sure they can get done whichever option they go with and HEA asked them to go with a separate agreement with security to assure the township that the A gravity system gets built. Mrs. deLeon said the north slope has been taken off the proposal. Attorney Treadwell said the last conversation was that their preference is to go underneath the existing landfill. Mrs. deLeon said what do township regulations ask. Attorney Treadwell said the township would oppose the north slope. Mrs. deLeon said when she saw the option with north slope, it should be deleted in the future. Attorney Treadwell said they can't tell the applicant to take it off, we would oppose completely anything going on the north slope, but they still have the right to ask for it. Mrs. deLeon said are we going to let DEP know the township is still working with IESI? Mr. Cahalan said yes.

D. COTTAGES AT SAUCON VALLEY – REQUEST FOR SECURITY REDUCTION

Mr. Kern said the developer has requested a security reduction for work completed to date. HEA has done an inspection and is recommending a reduction in the amount of \$76,185.

Mrs. Yerger said on the HEA letter of July 13, it talks about all these erosion issues, have they been resolved? Mr. Brien Kocher said not yet, the developer has a problem with their contractor and they hired a new contractor and he will get in next week and do those things. They are agreeing to address all those items. Due to the fact until you don't meet until mid-August, they want Council to approve the security release with the condition they do all these things before the Township staff writes the letter saying the security reduction is approved. Mr. Maxfield said can we prioritize no. 4 as it deals with the adjacent property? Mr. Kocher said sure. Mr. Kern asked where are the erosion issues? Mr. Kocher said if you drive in, you'll see they have stabilized quite a bit of the site, but the area adjacent to the road isn't final graded. They didn't seed that as they have to put topsoil in there yet. They have to final grade that. The inlets are sticking up 6" to 8" above ground.

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Mr. Maxfield said what about the level spreader, what kind of condition is that in? Mr. Kocher said they've been keeping up with that.

MOTION BY: Mr. Maxfield moved for approval, and meet the conditions of the July 13 HEA letter.

SECOND BY: Mr. Kern

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

E. AGENTIS BROS. – ROUTE 378 – PRELIMINARY PLAN APPROVAL

Mr. Kern said the applicant is proposing to develop the site with a 1,802 s.f. commercial building housing an unidentified permitted use and a 3,496 s.f. car wash including parking areas. A staff recommendation has been prepared for Council's review of Preliminary Conditional Plan approval.

STAFF RECOMMENDATION FOR AGENTIS BROTHERS SUBDIVISION AND LAND
DEVELOPMENT 3502, 3506, AND 3510 ROUTE 378 – 16 PARCELS
INCLUDING TAX MAP PARCELS Q6SW3-9-6/9A/12 AND Q6SW3-8-4/5/5A/5B/6
PRELIMINARY SUBDIVISION AND LAND DEVELOPMENT PLAN APPROVAL
FOR JULY 18, 2007 COUNCIL MEETING

The Lower Saucon Township staff recommends that the township council approve the Agentis Brothers Subdivision and Land Development Plan, as prepared by Base Engineering, Inc. consisting of sheets 1 through 16 of 16 dated February 5, 2007 last revised June 20, 2007.

Subject, however to the following conditions:

1. The applicant shall address the review comments contained in the letter dated July 11, 2007 from HEA to the satisfaction of the township council.
2. The applicant shall address the review comments contained in the letter dated July 11, 2007 from Boucher and James, Inc. to the satisfaction of Township Council.
3. The applicant shall provide a contribution of \$3,113 in lieu of dedicating land for open space and recreation purposes.
4. The developer shall provide a traffic impact analysis report meeting township and PennDOT standards and/or offer a traffic contribution fee in an amount approved by Council.
5. The applicant shall provide four complete sets of preliminary plans with original engineering signatures and seals. The applicant shall also provide two CDs of all plans in an AutoCAD format (jpeg-ROM).
6. The applicant shall pay any outstanding escrow balance due to the township in the review of the plans and the preparation of legal documents.
7. The applicant shall satisfy all these conditions within one year of the date of the conditional approval unless an extension is granted by Township Council.

It is also recommended that township council approve waivers from the requirements of the following subdivision and land development ordinance (SALDO) sections:

1. Sections 145-3.1(10) so as not to require a development impact analysis except for a traffic impact analysis.
2. Sections 145-44.D(1) so as to allow access and egress pavement widths of 20 feet, rather than a minimum of 24 feet.
3. Section 145-45.B(2) so as not to require any curbing, sidewalk, or pavement widening along route 378 except for those improvements mandated by PennDOT.

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4. Section appendix A-2.0 so as to allow pavement joints to be treated per PennDOT requirements, rather than sealed with hot bituminous material and coated with sand or screening.

Present – Jim Preston, Attorney, Bob Agentis, Applicant, and Mike Curgelo, Base Engineering. Mrs. deLeon asked what is an unidentified permitted use? Mr. Maxfield said No. 4 on the staff recommendation says the developer shall provide a traffic impact analysis report and he's not sure that is something that we can do without knowing the use of the second building. That needs to be addressed before final plan. Attorney Preston said they did a worst case scenario traffic study and proposed a restaurant use which was the most intense use and they all agreed that would be the appropriate way to do that. Mrs. deLeon said what is an unidentified permitted use? Attorney Treadwell said they don't have an identified tenant yet but are acknowledging it has to be a permitted use that goes into that building. Attorney Preston said the uses are listed on the plan. Attorney Preston said they have gone over the staff recommendation and have no problem except with No. 4 which Mr. Maxfield just mentioned about the traffic impact analysis report meeting township and PennDOT standards. Unfortunately, they are not in a position to agree to a payment of a traffic contribution in the amount approved by Council. They are not rejecting it, they would consider it and look into it, but are not in a position this evening to agree to it. The report probably would not rise to the level of PennDOT and Township standards. Mr. Kocher said it just said this is how many cars are coming and going, but have not looked at any neighboring intersections. Attorney Treadwell say we could put at the end of No. 4, if determined necessary by the Township staff, engineer or Council. Mr. Kocher said it will come back for final plan. Attorney Treadwell said let it the way it is, and when they come back for final plan, if you determined a contribution would be easier than actually doing the study or you could talk to Brien and he would say it was adequate. Attorney Preston said he would have liked the opportunity to talk to staff about this as he didn't know about the No. 4 condition. It was just faxed to his office yesterday. This particular condition has never been mentioned or presented to them. It has the potential to provide a rather significant cost. They don't know what is the extent of a traffic contribution fee.

Mr. Kocher said the township got correspondence from Upper Saucon that says they wanted to check with the two developers and see if they'd like to make a contribution fee. That's what is driving that question. He didn't get a chance to talk to the applicant yet. Mr. Maxfield said it would be cost divided by what? Mr. Kocher said there are ways you can set an impact of a certain development on the need for traffic improvement, but no one has done that study, so the proportion isn't known. Attorney Treadwell said No. 4 could be changed to an amount to be determined prior to final plan approval. Mrs. deLeon said is the traffic report required by the regs? Mr. Kocher said the first step is you do an average daily traffic study and if you are over 250 then you go on to the next step. Attorney Preston said they did that and they were under 250. Mr. Kern said that answers that. Mr. Maxfield said from a planning standpoint and with a bank going across the street and existing problems at the intersection already, this intersection does call for further study. Upper Saucon was doing studies for a possible signal. It may be under 250, but the total impact on the intersection is going to be major. Mrs. deLeon said what can we ask them legally to do. Attorney Treadwell said what they've done already. Attorney Preston said that's correct, but they are not saying that...they are doing what they should by law and they are going to forget about it. They looked at the worst case scenario and they did the traffic count to accommodate the two proposed uses. It would generate so many trips which is less than the threshold number they were talking about.

Mrs. deLeon said if you talk about the waiver section, No. 1 it says section as to not require a development impact analysis except for a traffic impact analysis. Attorney Treadwell said they already provided that. Mr. Curgelo said there is a separate thing called a developing impact analysis which the ordinance requires. There were talks with Attorney Treadwell about this. Attorney Preston said it deals relatively with residential uses, the language is pretty specific in there. That's why the waiver is worded that way as they are still required to do the traffic study and

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prove they were below a certain level. He can't advise his client to sign an approval to sign a condition that just leaves that open ended and totally out of his control. Attorney Treadwell said what if we say an amount agreed upon prior to final plan approval. Attorney Preston said if we don't agree. Attorney Treadwell said we'd have to agree, we did this a number of times before. Attorney Preston said he thinks that is probably something they can agree to and understand his position and not pull the door out from under him. Attorney Treadwell said we'll sit down with the engineer and talk about it.

Mrs. deLeon said No. 1 and No. 2 where it refers to the July 11 letters from both our consultants. The HEA letter under general comments, No. 8, the township should determine whether they would like street lights at the entrance and exit points as recommended by the Police Chief. Mr. Kocher said the Police Chief recommended they be put at two entrances and wanted to know if Council was okay with those two recommendations. Mrs. deLeon said who pays for the street lights? Attorney Treadwell said it would be on private property, so they'd have to pay for them. Mrs. deLeon said do we want street lights? Mr. Maxfield said there was no opinion one way or another from the Planning Commission. Mrs. deLeon said under B, No. 2, approval of the water details must be obtained from the City of Bethlehem. Gar Davidson said it would be the city. Mrs. deLeon said No. 3, confirmation should be obtained that the comments from the Fire Chief have been addressed to his satisfaction. In the packet it says, Se-Wy-Co had the following recommendations. A fire hydrant be located along Rte. 378 at the northern entrance and like to request the detached building be sprinkled. If there are office buildings, they be sprinkled also and a Knox box be included. Mr. Curgelo said they responded to the Fire Chief. The fire hydrant will be located to the north entrance, the buildings will not be sprinkled and a Knox box will be included. The revised plans were submitted in June, so they have not received any letter from the Fire Chief if he reviewed the plans or not. Mrs. deLeon said Section 145.21.B(1)(d)(7), what does that mean? Mr. Curgelo said we have to wait for his letter. Mrs. deLeon said she's asking the staff. Mr. Kocher said he thinks the township forwards the plan to the Fire Chief. Mrs. deLeon said No. 7 says a community impact analysis, that's different from the development impact? What is a community impact? Mr. Curgelo said it's the same thing. That's the one staff is recommending a waiver to. Mrs. deLeon said No. 3C1, the final plan should provide for any legal permission necessary to clean out the existing 18-inch CMP off site. If this business gets passed down to another owner will it go with it so everybody knows they have to do it. Mr. Kocher said you won't approve a final plan until somebody shows they have the permission to do that.

Mrs. deLeon said the Boucher & James letter, on page 3, under 5, it talks about the hours of operation and the lighting. Mr. Tralies said this can be dealt with at final plan approval when they get their tenant.

MOTION BY: Mr. Maxfield moved for preliminary plan approval with changes to No. 4 or offer a traffic contribution in an amount agreed to at final plan.

SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? Terry Smith said he is disappointed with the money aspect in No. 4 as he's having quite the similar situation. He doesn't know where the board feels that business owners have lots of money to provide this impact fee and he doesn't know who is determining what the fee is, obviously it's determined by the business owner and the Council, but who on Council sets the standards? Attorney Treadwell said in this specific instance, the traffic light is in Upper Saucon, and you figure out how much the signal costs, and how much the bank, etc. contributes to the light, it's a mathematic formula. As you heard our Engineer say, we just got a letter from Upper Saucon asking us if we could consult with developers and ask if they can contribute. Mr. Maxfield said we knew Upper Saucon was doing a traffic impact study. It's not brand new. The resident said he was in shock about the money aspect. Attorney Treadwell said that traffic signal will benefit the applicant by getting his customers in and out easier. The resident didn't

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understand this was for a traffic light. Mrs. deLeon said did you agree to put the street lights on your site? Who will pay for that? Mr. Cahalan said right now we pay for almost 113 street lights. Attorney Preston said they haven't made any decision with that, can't it be carried on until final plan? Attorney Treadwell said it can be carried on to final plan. Why doesn't Council determine it right now. Mr. Kern said depending on the design of the layout, you may not need it. Attorney Treadwell said come back at final plan and we check the plan. Attorney Preston said they will work with the Township on that. Mr. Curgelo said any time you try to put street lights, the light that emanates out of that, it cause the luminars to go out of the property line and then you have a catch 22. Attorney Treadwell said it's also a PennDOT road. Mr. Curgelo said there is a site lighting plan prepared that the site will be lighted without spillover lighting. Mrs. deLeon said can't we put a condition that if lighting is necessary, you will pay for it. Attorney Treadwell said if it's on private property, we don't pay for it.

ROLL CALL: 4-1 (Mrs. deLeon – No)

F. LEHIGH GAS – RT. 378 CORP. OFFICE – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS

Mr. Kern said the developer has requested an extension of time to complete the improvements associated with this project.

**STAFF RECOMMENDATION FOR
MMSCC-2, LLC – LEHIGH GAS CORPORATE OFFICE EXTENSION**

The Lower Saucon Township staff recommends that Township Council approve an extension until July 26, 2008 for completion of improvements at the Lehigh Gas Corporate Office. This approval is subject to the following conditions:

1. The owner/developer shall enter into an Execution Agreement with the Township satisfactory to the Township Solicitor and Township Council.
2. The Improvements Security shall remain in full force and effect until project completion or August 26, 2008, to the satisfaction of the Township Solicitor.
3. The owner shall pay any outstanding plans and appeals account invoices owed to the Township.

Dallas Oswald was present. Council had no comment.

MOTION BY: Mr. Kern moved to approve per staff recommendation.

SECOND BY: Mrs. Yerger

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

G. CHURCH HILL ESTATES – ASHLEY DEV. – REQUEST EXTENSION TO COMPLETE CONDITIONS OF APPROVAL

Mr. Kern said developer has requested an extension of time to complete their conditions of approval.

**STAFF RECOMMENDATION FOR CHURCH HILL ESTATES
FOR JULY 18, 2007 LOWER SAUCON TOWNSHIP COUNCIL MEETING**

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The Lower Saucon Township staff recommends that Township Council approve the request for a six month extension of time to complete the conditions of approval for the above-referenced subdivision.

This approval is also conditioned upon the developer paying any outstanding escrow amount invoices. No one was present representing Church Hill Estates.

MOTION BY: Mrs. Yerger moved for approval.

SECOND BY: Mr. Maxfield

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

H. LI FANG – LOT LINE ADJUSTMENT – RECOMMENDATION OF DENIAL OF PLANS

Mr. Kern said the applicant is proposing to adjust lot lines between these lots. They have not complied with various ordinance requirements, the project has not been active for over six months and their escrow account is in arrears.

STAFF RECOMMENDATION FOR LANDS OF LI FANG, VERNA TEGYI AND ROBERT DUNLPA JR. 3073/3075/3045 FLINT HILL ROAD – TAX MAP PARCELS R7-23-16/16A/16B PRELIMINARY AND FINAL SUBDIVISION PLAN REJECTION FOR JULY 18, 2007 LOWER SAUCON TOWNSHIP COUNCIL MEETING

The Lower Saucon Township staff recommends that the Township Council reject the lands of Li Fang, Lands of Verna Tegyi, Land of Robert Dunlap, Jr., Lot Line adjustment plan prepared by Environmental Design and Engineering, dated August 8, 2006, last revised December 9, 2006, consisting of Sheet 1 of 1 due to noncompliance with the following:

1. The review comments contained in the letter dated January 31, 2007 from HEA which addresses subdivision and land development ordinance requirements which apply to this subdivision proposal.
2. The review comments contained in the letter dated January 31, 2007 from Boucher & James which addresses zoning ordinance requirements which apply to this subdivision proposal.

No one was present representing Li Fang.

Mr. Cahalan said there is a staff recommendation. They are recommending Township Council reject the lands of Li Fang and the land of Verna Tegyi, and Robert Dunlap and the lot line adjustment plan that was prepared by Environmental Engineering Design due to non compliance of the review letter of HEA from January 31, 2007 and the review letter from Boucher & James dated January 31, 2007. Attorney Treadwell said both of those letters contain specific sections of both the subdivision and zoning ordinances which this applicant has not complied with. If Council votes to deny this plan, the Council will notify the applicant in 15 days by certified letter with the sections they have not complied with.

MOTION BY: Mr. Maxfield moved to approve staff recommendation.

SECOND BY: Mr. Horiszny

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

I. DRAVITZ MAJOR SUBDIVISION – 2845 COUNTY LINE ROAD – FINAL PLAN

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Mr. Kern said the developers are present tonight to discuss with Council the subject of the required open space dedication.

Dan and Terrence Smith, developers were present. He said something happened this week that they weren't expecting and ask for some clarification and request a change in their plan. They had received an email from Mr. Cahalan about contacting Heritage about the acreage they were going to donate, and they weren't interested. They didn't pursue it with them. At Mr. Cahalan's request, they recontacted them and they then said they were interested. In that process, they learned there was a fee to set up an endowment. Up to this point, they didn't know this was part of the process. As they went through the planning process, the agreement was if the township wasn't going to take the land, they would deed restrict it and give it to one or two of the properties. When they found this out, they were quite surprised. The wording is that the endowment is to have the property owner own the land, but the easement would go to the township and be authorized by the Heritage Foundation. None of that made sense to them. They had not agreed to that nor expected it. They are sort of befuddled on this. The township said they weren't going to take the land, so they were going to move forward with doing a deed restriction, and Heritage was going to take it, but at a cost which they hadn't expected. It's not fair to them how it transpired. Right now they are unable to accommodate that endowment. Mr. Kern asked what was their understanding? Terrence Smith said they expected the township to accept the land and deed it to the land and if they weren't willing, they would deed restrict it and give it to the owner of the lots. What's happened is quite different. Dan Smith said the endowment was never discussed and never brought up, even at the EAC. On the EAC notes, they asked them to pay for the endowment and that they would sell two pieces of land to fund it. Mr. Maxfield said the township has mentioned many times about the deed restriction. If they are allowing reduced lot sizes and preserving open space, they are going to make sure it's preserved forever. A deed restriction will not do that, it can be broken. Terrence Smith said the agreement and part of the EAC commission said the township takes it or we go the other round. Mr. Maxfield said even if the conservancies weren't interested, the township would have asked them for one. Mr. Smith said why would they give away the property and give away a fund for the property? Mr. Maxfield said you are not giving it away, you still get to use the property and enjoy the property with the basic restriction that it's not up for development. Dan Smith said they feel here they have been misled if they didn't accept the open space. Nowhere did it say you would ask for a fee to preserve the property. Attorney Treadwell said we didn't. Dan Smith said that was not a condition from the staff recommendation. Mr. Maxfield said they were still investigating and still at the point where the township was going to require the easement. That was the last resort. They did not discuss endowments, that was something you would discuss with the conservancy. That's not our business. Dan Smith said none of the conservancies wanted it. Up to this week, no one expressed any interest in it. This was a total shock to us that all of a sudden there's an additional fee. We're giving away the land and also asking to pay for it. They wanted to bring that to Council's attention tonight. They are very confused and asking for your approval to proceed.

Mr. Maxfield said Terry, at one point, said you were going to sell those two pieces of property to the land owners. Mr. Maxfield said those two parcels would have not been able, per our ordinance, to figure into your open space calculation. They would allow that to occur going on the word you said you were going to sell those properties knowing you'd get income on those properties. You would be able to utilize those properties by selling them to the property owners. Terry Smith said that was never stated at any point, at any time, until they saw the minutes of the EAC. The language you used about the lots, was they are separated by an easement and are landlocked, so it made sense to offer them to the two owners. There was never any discussion about using or considering that for an endowment.

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Mr. Maxfield said not an endowment, your open space calculations. Dan Smith said the first time they ever saw that was in the minutes. Mr. Maxfield said you entered into this agreement to do this type of approach. An endowment is not our creation. This is something standard within the industry. Dan Smith said that's not the impression he got from Jeffrey Marshall from the Heritage Conservancy. He did speak to Jeff and they said it's not standard practice that they look for the township to fund this as they are offering the land to the townships. Mr. Maxfield said we won't do that.

Mr. Marshall said to clarify what was said. He explained that land trust generally required an endowment for monitoring. He then indicated that they sometimes get the funds from property owners, and sometimes the township open space programs have funds set aside to defray the cost for people who donate easements. If someone was going to make a donation of a \$500,000 piece of land, townships are often glad to pay \$20,000 for a thank you for the endowment. Talking to Dan Smith, he said townships sometimes uniformly pay for it. Mr. Maxfield said the open space is required by the subdivision style you choose. Dan Smith said they didn't say they didn't want the space preserved, it's just this came out of nowhere, now they have to pay this trust fund. They want the land preserved. He is trying to see how they can offset the cost of the endowment. They don't know what the values of the properties are and what the property owners are willing to pay. Mr. Kern said who most benefits from the parcels being preserved? Dan Smith said the township benefits most from the 10 acres and it's a great view. It's not flat land and it's over 15% inclined, so it can't be developed. Mr. Maxfield said the benefit would be to the adjacent property owners who can use the space. The two small parcels are two landlocked parcels set behind two existing properties. The idea was to attach them to the two properties and they would be deed restricted.

Mr. Kern said reviewing minutes from June 6 Council meeting, Mr. Maxfield is speaking, and it says "it should be the responsibility of the developer to establish that conservation easement. Mrs. Yerger said yes, she would prefer it and that's the best scenario. Then it says Mr. Martin said that's not a problem. Terrence Smith said the conservation easement is not the problem, the endowment is the problem". They are dealing with a budget. Terrence Smith said the original language was that the township takes it or we do an easement. When all of a sudden we introduced the language of an endowment, to him, he just assumed that was the easement language because we had been talking about 2 years now to work with Linc for the proper language for the easement. He had no idea it was this conservancy issue at all. It's ignorance on his part, and he has to accept that. They never received these EAC recommendations. Is Council accepting the recommendations that the EAC has brought forward and do they have to set up a trust fund and come back to Council or should they just go forward with the endowment? The township doesn't want to fund the property. Should they go ahead with the endowment? The endowment will cost \$12,500. We had not considered this cost in the scheme of things.

Mr. Maxfield said the only real consideration the Council could give to the endowment would be if the township would consider to pay for it. You might be thinking of it as a separate entity but it's part of the conservation easement. Any reputable conservation agency will ask you for an endowment. Dan Smith said this should have been communicated to them. Mrs. Yerger said when we require anything of the developer, they don't discuss what the impact fee will cost or who it should be done by. They just assumed when you looked into this, it would be part of the description. Dan Smith said it was always on the plan that the township would take the property. Even though you had the option not to take it, your consulting engineer did not throw them into the right direction. Attorney Treadwell said the plan probably said it was offered for dedication. Mr. Maxfield said he can't remember the last time they accepted a piece of land. Dan Smith said why wasn't this communicated. Mrs. Yerger said we said it at the June 6 Council meeting. Dan Smith said at that meeting they agreed not to take the open space and they would use a conservation easement. It doesn't entail what a conservation is or that funds are tied to it.

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Attorney Treadwell said we don't have that answer if Heritage or whoever are going to charge for it. In the minutes, Tom asked if they contacted the conservancy and they said they did contact the conservancy. Mr. Marshall said an endowment is a one-time fund that is used to spin out an annuity. The annuity is used to inspect the property on an annual basis and used to provide staff time. We set aside funds to go in a legal defense fund that bring property owners into compliance if they violate the easement. When they are dealing with the interest at market rates, a \$10,000 endowment generates \$500 a year, so when you think of staff time, inspections, etc., and trying to set aside some funds for legal defense, it's not a lot of money. They can't do it for anything less. Some endowments are four or five times that amount.

Mr. Horiszny said are there big tax advantages for givers of endowments? Mr. Marshall said yes, there are some. They are a donation, so yes, to that extent they are. Dan Smith said endowments are a write off, and so are appraisals of the property because the property will be appraised as open space. That's all stated in Heritage Conservancies handbook on conservation easements. Mr. Marshall said for future landowners, give them the handbook on conservation easements. Mr. Kern said you mentioned monitoring was perpetual. What would happen if Heritage Conservancy would belly up? Mr. Marshall said the court would determine a suitable recipient for our easements and the endowment would go to that agency.

Terrence Smith said he spoke to Mr. Marshall how to set up this endowment and if he sold the land, that has that on it, could he fund the endowment. They are discussing these items now, and it says this is something that has to be agreeable to the Council. We don't have the money to put in this endowment now. Is that okay to do that and is it something you agree to? Once that piece of land is sold, they could set up an endowment. Mr. Kern said there are two lots abutting the ten acres? Are people interested in buying them? Dan Smith said they hadn't cut the road out yet for that. Mr. Marshall said it comes with baggage as the future property owner would have to come to the conservancy anytime they want to do something with the land. The buyer would know that though. Mr. Maxfield said keep in mind that will be attached to one of those existing lots, but it will be owned by one of the lots.

- MOTION BY:** Mrs. deLeon moved to agree to the deferral of the payment until Lot 4 is sold.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-0-1 (Mrs. Yerger – Abstained – She works for Heritage Conservancy)

Mr. Kern said none of this was intentional, it was a massive communication mishap. He can see how things can be improved in the future. He agrees that its odd if he donated land, he would have to have it monitored and have to pay for it. Mr. Maxfield said you are selling the rights to the land. Attorney Treadwell said the other option is can you guys monitor the open space for the rest of your life. There's a trade off.

J. HERITAGE BUILDING GROUP – SKIBO ROAD – RECOMMENDATION OF DENIAL OF PLANS

Mr. Kern said the township has asked the developer to submit a request for a 90-day extension of the MPC time limit for the review of their plans. At the time of agenda preparation, no extension was received, therefore, Council must take action on the current submission.

STAFF RECOMMENDATION FOR CHAFFIER FILLER THOMPSON MAJOR SUBDIVISION
1839 SKIBO ROAD, 1790 FRIEDENSVILLE ROAD, 1931 MEADOWS ROAD
TAX MAP PARCELS Q7-12-5A/5C/6/7/16/18
PRELIMINARY SUBDIVSION PLAN REJECTION

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FOR JULY 18, 2007 LOWER SAUCON TOWNSHIP COUNCIL MEETING

The Lower Saucon Township staff recommends that the Township Council reject the Chaffier, Thompson, & Filler Tract Heritage Building Group Preliminary Major Subdivision Plan prepared by Schoor DePalma Engineers and Consultants dated July 21, 2004, revised March 18, 2006, consisting of sheets 1 of 31 through 31 of 31, due to noncompliance with the following:

1. The review comments contained in the letter dated July 13, 2006, from Hanover Engineering Associates, Inc. which addresses Subdivision and Land Development Ordinance requirements which apply to this Subdivision proposal.
2. The review comments contained in letter dated July 12, 2006 from Boucher & James Inc., which addresses Zoning Ordinance requirements which apply to this subdivision proposal.
3. The review comments contained in the letter dated July 28, 2006 from HEA which addresses Lower Saucon Authority utility design requirements which apply to this subdivision proposal.
4. The review comments contained in the letter dated February 12, 2007 from HEA which addresses Zoning Ordinance Geology requirements which apply to this Subdivision proposal.
5. The review comments contained in the letter dated February 9, 2005, from HEA which addresses traffic impact requirements which apply to this subdivision proposal.

Mr. Cahalan said the township staff recommends that the township council reject the Chaffier, Thompson & Filler Tract Heritage Building Group preliminary major subdivision. No. 1 says the review comments contained in the letter dated July 13, 2006 from HEA which addresses subdivision and land development ordinance requirements which apply to this subdivision proposal. No. 2 the review comments contained in letter dated July 12, 2006 from Boucher & James. No. 3, the review comments in the letter dated July 28, 2006 from HEA. No. 4, the review comments in letter dated February 12, 2007 from HEA and No. 5 the review comments contained in the letter dated February 9, 2005 from HEA.

Attorney Treadwell said again, as with the last application that was denied, each of those letters contains specific sections of the applicable ordinances and some regulations by the LST Authority which will be forwarded to the applicant if Council denies this.

Mrs. deLeon asked if the developer had any comments? The developer (John Tressler) could not be heard as he did not come up to the microphone. Attorney Treadwell said the applicant and the township have different perspectives whether they have met the requirements of the ordinance or not.

MOTION BY: Mr. Maxfield moved to approve the staff recommendation.

SECOND BY: Mr. Horiszny

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

V. TOWNSHIP BUSINESS ITEMS

A. HERITAGE CONSERVANCY – AGREEMENT OF PROFESSIONAL PLANNING SERVICES

Mr. Kern said Heritage Conservancy has prepared an agreement to provide the Township with assistance in working with landowners for the acquisition of conservation easements and purchase of fee simple lands.

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Mr. Cahalan said we have an agreement for those services and it has been reviewed by the Solicitor. It sets out the scope of work and compensation based on the fee schedule that has been provided as an attachment to the agreement and they are asking for Council's approval. Mr. Horiszny said do we have a shall not exceed figure yet? Mr. Maxfield said he has a number that was recommended to him of \$10,000. Laura Baird recommended this as an introductory offer based on what has been done at other townships. Mr. Marshall said we provide a similar service for Bushkill and Williams Township and five townships in Bucks County. They have been successful with the last two Northampton County townships to get matching funds from the D&L Corridor Commission through their Lehigh Valley Greenway Initiative and they would try to do the same to keep the cost to the township to a minimum. They would work with the Township Manager. They try to find funding for townships.

Mrs. deLeon said they have the capabilities of completing the grant applications he referred to. Mr. Marshall said Jack and him will coordinate to do the grants. Mrs. deLeon said there is a typo, it says now, therefore, township, and conservancy. It should say township and conservancy. Take out the comma. Mrs. deLeon said No. 5 where it talks about the independent contractors, she asked in the last contract they did with the last firm about a W9. Please insert that in there.

Mr. Cahalan said they checked on the W9 and a non profit does not need that. Mr. Marshall said send us what you need in terms of documentation.

Mr. Horiszny said on page 1, are there one too many words of total. Mr. Marshall said yes. Mr. Maxfield said insert \$10,000 on the not to exceed line.

MOTION BY: Mr. Kern moves to approve the agreement for professional planning services from Heritage Conservancy.

SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? Ms. Stephanie Brown said in August 2006, she contacted Heritage about Meadows Road bridge and also a friend who had property in Lowhill Township and she contacted them how to preserve a 1865 farmhouse and 4 acres of farmland. She was waiting for the response from Mr. Marshall and he was going on vacation and she never heard back from him and she was disappointed with the lack of response she got from Heritage. They are going to vote to an agreement to work with the township and residents, could you please comment on this. Mr. Marshall said if he was going away on vacation and asked someone to handle it, and they didn't handle it, he doesn't know about that. Give him your name and he'll check it out. He will follow up with it.

ROLL CALL: 4-0-1 (Mrs. Yerger – Abstained – Works for Heritage Conservancy)

B. RESOLUTION 48-2007 – FIRE HYDRANT TAX FORGIVENESS

Mr. Kern said back in 1986/1987, the township instituted a fire hydrant and fire protection tax. It has been brought to the attention of the Director of Finance that there are currently approximately 111 outstanding accounts. Through the years, there has been an attempt to collect these fees, however, after researching the feasibility of trying to collect these accounts, it is the recommendation of our Solicitor to write these taxes and forgive the property owners from payment. Resolution 48-2007 has been prepared to forgive the outstanding fire hydrant tax (\$2,336.76) and fire protection tax (\$2,963.10) owed to the Township.

Lower Saucon Township
Resolution #48-2007
Forgiveness of Delinquent Fire Protection and Fire Hydrant Taxes

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WHEREAS, Lower Saucon Township repealed the Fire Hydrant Tax in December of 2000 with Ordinance No. 2000-07, and the Fire Protection Tax established January 1987 through December of 1993; and

WHEREAS, the collection efforts were ongoing since the elimination of these taxes; and

WHEREAS, filing of municipal liens were not advisable due to the costs involved, thereby these taxes were collectable but not legally enforceable to collect.

NOW, THEREFORE, the Council of Lower Saucon Township, Glenn Kern, President; Tom Maxfield, Vice President; Priscilla deLeon; Sandy Yerger; and Ron Horiszny do hereby forgive the outstanding tax debt of the attached parcels, and write off the applicable accounts on record.

ADOPTED and ENACTED, this 18th day of July, 2007

Mr. Cahalan said there is a detailed memo from the Finance Clerk to collect these taxes. They are not going to be successful and will be spending money and not seeing anything returned as these properties have changed hands several times.

Mr. Maxfield said will these property owners be notified they are forgiven? Mr. Cahalan said no.

MOTION BY: Mr. Maxfield moved for approval of Resolution 48-2007.

SECOND BY: Mr. Horiszny

Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 4-0 (Mrs. deLeon – Temporarily absent)

C. INTERMUNICIPAL AGREEMENT – SV COMPOST CENTER – AUTHORIZE ORDINANCE ADVERTISEMENT

Mr. Kern said the intermunicipal agreement between Hellertown Borough and LST to jointly operate the SV Compost Center has been prepared and reviewed by both Solicitor's for Hellertown and LST. Council should authorize the corresponding ordinance be advertised for a public hearing to enter into the intermunicipal agreement.

Mr. Cahalan said Council has copies. This compost center is getting more successful each week. They wanted to put together this agreement that sets out the responsibilities for each municipality.

Mrs. deLeon said on page 1 of the agreement, bottom of the page, you have capitalized in the whereas yard wastes, but in the last whereas, where it says yard waste which will include tree trimmings, shouldn't it be a small Y and small W for yard wastes. Mr. Cahalan said yes, they got carried away. Mrs. deLeon said on page 2, under 6, all of a sudden she couldn't see where there was a Recycling Committee and it should say who it is, who was appointed. They are asking them to develop a policy statement which should be approved by Council. Mr. Cahalan said it is missing and it should be put in. Mrs. deLeon said when you advertise this with the ordinances and the articles, will just the ordinance and articles be advertised? Attorney Treadwell said the ordinance gets advertised and the agreement is an exhibit. Mrs. deLeon said the articles of agreement are something we can change. Attorney Treadwell said we can make that change now. Mrs. deLeon said in the future, after this is advertised, it would it be part of the ordinance, so we have to change it now to make it right. Mr. Cahalan said the borough would not have a problem. Mrs. deLeon said on No. 8, there's a blank, continued until... Mr. Cahalan said it should be a period of one year and automatically renewed unless the party provides written notice of termination. Attorney Treadwell will change that. Mr. Kern said how do we make the addition at this point? Attorney Treadwell

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said if we just say the yard waste recycling committee to be members determined by Lower Saucon and Hellertown Borough.

Mrs. deLeon said shouldn't we have done this before we opened the center? Mr. Cahalan said he's been asking for this to do. What happened was the Borough was being pressed to open the center and they moved into that quite rapidly.

MOTION BY: Mr. Horiszny moved to approve the ordinance advertisement of the Intermunicipal agreement for the SV Compost Center.

SECOND BY: Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 5-0

D. RESOLUTION 49-2007 – APPOINTING SPECIAL FIRE POLICE

Mr. Kern said resolution 49-2007 has been prepared to update the Special Fire Police list.

**LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

**RESOLUTION #49-2007
SPECIAL FIRE POLICE**

WHEREAS, following nomination by one of our Township fire departments of any of its members whom they have concluded is fit for duty, all nominees shall be appointed/confirmed by Lower Saucon Township yearly and be sworn in within thirty (30) days of their initial appointment/confirmation; and

WHEREAS, said appointment/confirmation shall immediately be null and void upon the termination of membership in any of the Township fire departments; and

WHEREAS, the fire department shall then insure that its special fire police are equipped with, at a minimum, a badge and identifying hat or uniform; and

WHEREAS, whenever a Township fire company is dispatched or whenever the Manager authorizes response to an event, such as a carnival, Lower Saucon Township shall be responsible for Worker's Compensation Insurance; and

WHEREAS, prior to participating in non-emergency activities and emergencies where their fire company has not been called out, unless they come upon an emergency and no police are on scene, in other municipalities our special fire police shall insure that they have written authorization from the governing body of that municipality stating specifically the date(s), time(s), location, and duties the fire police are requested for. The written authorization shall then be forwarded to the Township Manager for final approval; and

WHEREAS, all Township Fire Police shall complete the Basic Fire Police program and a yearly, in-house refresher program or other State certified course, and must produce documentation for such to the Township each year.

NOW, THEREFORE, BE IT RESOLVED, that the following persons, and only these persons, are confirmed as Lower Saucon Township Special Fire Police. This resolution supersedes all previous resolutions confirming Special Fire Police and all those operating as Lower Saucon

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Township Special Fire Police prior to this date shall no longer be active and unless listed herein are not confirmed.

ADOPTED and ENACTED this 18th day of July, 2007.

Mr. Cahalan said this is an annual action we take. Fire Police are appointed by Council and the list is submitted by the fire companies and reviewed by the Chief of Police. He has a memo there that he met with the fire chiefs and the list has been submitted and reviewed. For Se-Wy-Co, it's Ronald Horiszny, Cynthia Messics, and Stanley Turel. For Steel City, it's Chris Snyder, Joanne Overback, Silvio Cruciani, Frank Gergar, and Ron Beck. For Leithsville, it's Cynthia Kichline.

Mrs. deLeon said the 4th whereas, there is not a Leithsville carnival anymore. Mr. Cahalan said they could scratch that. They can put down "such as a carnival or parade".

- MOTION BY:** Mrs. deLeon moved for approval of Resolution 49-2007.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

E. REQUEST AUTHORIZATION TO PERFORM AN HISTORIC STRUCTURE SURVEY OF NORCAR BARN ON POLK VALLEY ROAD

Mr. Kern said the township owns property on Polk Valley Road, previously owned by NorCar. On this property, is a barn that is dangerously dilapidated and needs to be torn down. It has been mentioned, however, that the barn may have some historical significance. Staff would like to request that a historic structure survey be completed before demolition of the barn. Staff has obtained estimates from Heritage Conservancy and Barn Histories to do this work.

Mr. Cahalan said this is similar to what has been done to the Marra property being discussed next. The barn is in dangerous shape and a danger to anyone who goes on the property. It must be taken down, but before that is done, they must retain a consultant to do some documentation of the history of the barn, any architectural significance and any mitigation before the barn is razed. He asked Dave Kimmerly from Heritage and he has a proposal and the cost is \$2,455. Priscilla dropped off information on a gentlemen named Greg Huber from Barn History. He asked him to submit a proposal which is before you also. He's doing more structurally related work and his fee is \$950. He says it includes an actual documentation and photos of the barn with captions. He's done this for other private property owners previously.

The siding of the barn is covered with asbestos shingles and they have to work with DEP for removal of that. Mr. Maxfield said can the materials be reusable? Mr. Cahalan said some of it is damaged, but there may be some timbers that can be reused. They will look at saving those as much as possible. Mrs. deLeon said she wonders if they need to do that for the house. Mr. Cahalan said he hasn't had time to clear some of the growth to go inside and look at it. Mrs. deLeon said while he's doing research on the barn history, have him do the house right way. Mr. Cahalan said he will work on that. Mr. Kern said he believes this is from 1890.

Mrs. deLeon said this is Mr. Huber's expertise.

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MOTION BY: Mr. Kern moved to approve Mr. Huber to perform a historic survey of the NorCar Barn.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

F. REQUEST AUTHORIZATION TO DEMOLISH MARRA HOUSE

Mr. Kern said the township has determined that the structure located at 2551 Quarry Lane in the township is in imminent danger to the public Health and Safety and must be razed. The township solicitor is recommending we accept the deed to the property from the Marra estate at no cost to the township in order to proceed with the demolition.

Mr. Cahalan said this is a house on Quarry Lane. We basically inherited this problem as it was left in disrepair for years. We have no choice but to move forward with the demolition. The property owner next to it was not interested in the property. There are two options and one is to accept the deed to the property.

MOTION BY: Mr. Horiszny moved we acquire and demolish the Marra House.
SECOND BY: Mr. Kern
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

VI. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF JUNE 6, 2007 AND JUNE 20, 2007 MINUTES

Mr. Kern said the minutes of the June 6, 2007 and June 20, 2007 Council meeting have been prepared and are ready for Councils review and approval.

June 6, 2007 Minutes:

Mrs. deLeon said the middle of the page where you announced Executive Session, the last sentence they also met to discuss potential litigation. You need to identify it. Mr. Cahalan said it was T-Mobile. On page 5 of 18, it ends in a roll call 5-0, motion by Mr. Kern, we forgot to mention about the T-mobile suit, so maybe that could be put into a box so it looks like two separate actions. It is really important as it was a direction of an appeal. On page 8 of 18, line 33, it says "fire" and it should say "fire tanks". Line 34 it should again say "fire tank". Mr. Horiszny said page 8 of 18, line 24, it says a preliminary plan, but on the agenda it says a final plan approval. It was the final plan approval. Mr. Horiszny said on page 1, in the box, it says "you had instructed them to purchase land and they have been busy", it should say "instructed us", and "we had been busy". The last sentence "we also met to discuss potential litigation. Page 2, line 48, resolution on the motion should be resolution 46-2007. Page 16, line 5, Sandy's and his corrections were not listed and they had some. Page 16, line 23, Ms. Segaline had a question about yard waste hours and that was not included. Page 18, line 22, it says we need to do something, and he didn't say that. He did give cost figures and say there would be a final report in the fall.

MOTION BY: Mrs. deLeon moved for approval of June 6, 2007 minutes, with corrections.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-1 (Mr. Horiszny – No)

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June 20, 2007 Minutes:

Mr. Horiszny said page 2, line 2, he thought that was his motion, but he can't remember. That's what his notes said. On page 10, line 27, he thinks intersection should be after Route 378.

MOTION BY: Mrs. deLeon moved for approval of June 20, 2007 minutes, with corrections.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-1 (Mr. Horiszny – No)

B. APPROVAL OF JUNE FINANCIAL REPORTS

Mr. Kern said the June 2007 financial report has been prepared and are ready for Council's review and approval.

MOTION BY: Mr. Horiszny moved for approval of the June financial reports.
SECOND BY: Mrs. Yerger
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

VII. PUBLIC COMMENTS/CITIZEN NON-AGENDA ITEMS

None

VIII. COUNCIL & STAFF REPORTS

A. TOWNSHIP COUNCIL/JR. COUNCIL MEMBER

Mr. Cahalan

➤ Nothing to report.

Mrs. Yerger

➤ She has information on the 2007 Wilds Conference on September 13 & 14 and Tom Maxfield would like to attend also.

MOTION BY: Mr. Kern moved for approval for Sandy and Tom to attend.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

Mr. Maxfield

➤ He said earlier when we were discussing Majestic, he realized there was some good input from the Landfill committee. Because it's not a straight landfill issue, and a separate off site thing, he'd like to have landfill committee work on this project. Mrs. deLeon said they have been working on this Act 2 for many years. Mr. Maxfield said he's talking about the land development. You need permission to work on it and the landfill committee has specific focus.

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MOTION BY: Mr. Maxfield moved for approval.
SECOND BY: Mr. Horiszny
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

Mr. Kern

➤ Nothing to report.

Mrs. deLeon

➤ The SV Conservancy will sponsor a barn tour on September 15. They will start off with a registration to 9:30AM at Town Hall. A lecture at 10 AM followed by an orientation and a self guided barn tour at 11:30 AM. They are working on lining up the barns. She needs the township to help out with the map. If the tickets could be on sale at the Township during office hours and at the conservancy on the weekends that would be helpful. The tickets will be available on Community Day on August 18 and will be at the booth.

Mr. Horiszny

➤ The Authority is preparing for a marsh walk and a presentation to the EAC and for a reply to the City of Bethlehem regarding a proposed 12-1/2% proposed water price increase. If they aren't successful they will complain to the PUC.

Jr. Council Member

➤ She said she gave each Council member the 2007/2008 calendar for SV. If you need any other dates, she can get them for you. School starts August 27, 2007.

B. SOLICITOR

➤ Nothing to report.

C. ENGINEER

➤ Nothing to report.

D. PLANNER

➤ Nothing to report.

IX. ADJOURNMENT

MOTION BY: Mr. Horiszny moved to adjourn. The time was 10:50 PM.
SECOND BY: Mr. Maxfield
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 5-0

Submitted by:

Mr. Jack Cahalan
Township Manager

Glenn Kern
President of Council