

**I. OPENING**

**CALL TO ORDER:** The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, July 19, 2006, 7:07 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. Glenn Kern, Council President, presiding.

**ROLL CALL:** Present – Glenn Kern, President; Priscilla deLeon, Vice President; Thomas Maxfield, Sandra Yerger and Ron Horiszny, Council Members; Jack Cahalan, Township Manager; Jim Birdsall, Township Engineer; Township Solicitor, Linc Treadwell, and Assistant Township Manager, Leslie Huhn.

**PLEDGE OF ALLEGIANCE**

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

**Mr. Kern said Council met in Executive Session tonight to discuss personnel issues and property acquisition.**

**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 no.

**III. DEVELOPER ITEMS**

**A. ZONING HEARING BOARD VARIANCES**

**1. TURNBRIDGE PARTNERSHIP ROUTE 378 AND WALTER STREET – REQUEST VARIANCE FROM THE SITE CAPACITY CALCULATIONS AND IMPERVIOUS COVERAGE FOR 2-LOT SUBDIVISIONS**

Mr. Kern said the applicant is proposing a two lot subdivision of two existing tax parcels that are separated by a paper street. They are seeking a variance for allowable site and natural resource disturbances. They are also seeking a variance for impervious coverage of 14.6% more than is allowed (30% allowed).

Andrew Schantz, Attorney representing Turnbridge was present. He said they are requesting four variances and this is driven by the fact that the PC and the Council would like them to install a cul-de-sac in this two lot subdivision for safety purposes. By installing the cul-de-sac, they are creating a larger than permissible impervious coverage. They are also cutting into their steep slopes area and disturbing a greater amount of steep slopes than permitted, and also are taking away from their net building area. The three

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variance requests are driven by the fact that they are abiding by Council's request. The final variance is the number of permitted dwelling units. When you do the site capacity calculations for the site, the number of dwelling units that is permitted through that is 1.944 dwelling units. They are asking for two units.

Mr. Maxfield said he has a hard time requiring the cul-de-sac. He did think it was a necessary thing, but the more he thinks about it, for two homes, the incursion that's in the woods and all the things being destroyed to put in that cul-de-sac, he has problems with it. He'd almost rather not require it.

Mrs. Yerger said we're actually creating an additional variance request because of this cul-de-sac which she's not comfortable about.

Mr. Maxfield said it's an awful big expenditure and amount of disturbance for what amounts to two homes. That's a lot to ask the applicant.

Attorney Schantz said this cul-de-sac started months ago when they introduced a concept to the PC. They unanimously wanted to see a cul-de-sac. It was on recommendation from the fire chief and public works. The SALDO does not require them to do this, but the PC requested them to do this. They went forward with the request. There are no other vacant lots after these two lots. Mrs. deLeon said it was a PC recommendation and she wanted to support that, but she kept questioning that it's an existing road, and there are already houses there.

Mrs. Yerger said there won't be any impediment for the fire companies to get in. That's the key issue. If your house is on fire, the "in" is the important thing. Mrs. deLeon said if we don't require a cul-de-sac, all these variances go away? Attorney Schantz said they all go away except the last one, the two units as opposed to 1.944 units. Attorney Treadwell asked if they were okay with not putting the cul-de-sac in. Attorney Schantz said he would think so.

**MOTION BY:** Mrs. deLeon moved to support the request for the two units.

**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

2. **SAKELE BROS. CO. – SEIDERSVILLE ROAD (TMP Q6-3-8A) – REQUEST VARIANCE TO CLEAR, THIN OR REGRADE ENVIRONMENTALLY SENSITIVE WOODLANDS AND STEEP SLOPES TO PLACE FILL FOR LATER CONSTRUCTION OF A SINGLE FAMILY DWELLING**

Mr. Kern said the applicant is proposing to disturb woodlands, environmentally sensitive woodlands, and steep slopes in exceedance of the allowable disturbances in section 180-95 of the zoning ordinance. They are proposing to plant 42 trees.

Steve Strelecki; David Tettermer, Keystone Engineering; Joseph Plunkett, Esq.; and Rich Ray were present.

Attorney Plunkett said it comes down to two issues. One is there are some invasive plants which they would like to remove and put new plants in and clear a portion of the lot. This is a lot that was part of the Woodfields Subdivision and sort of became an orphan when I-78 came through.

Mr. Tetterer said this lot is 1.95 acres. If they went by the strict interpretation of the ordinance, they would be allowed to disturb about 16% of the lot, or about 12,400 sq. feet because it's almost completely wooded. There are some 8 to 15%, 15% to 25%, and a few 25% and greater slopes on it. What the developer would like to do is actually disturb and remove a number of the trees on the site. We believe they are invasive trees. They'd like to disturb about 53,000 square feet, or a little over an acre, remove the trees, regrade the site, construct one single family dwelling and then plant 42 trees of higher quality, including maples, dogwoods, ash, spruce, fir, pine, and some pin oaks.

Attorney Plunkett said in order to do that, they need a couple of variances. The variances they need are to do the clearing in different areas of the lot and different areas of slope and then we're in the environmentally sensitive portion of the ordinance. We have a picture of a lot that looks like an orphan and needs some tender loving care that we would propose to remove the invasive plants, put in 42 new trees which the ordinance requires 37, and we'll make a more attractive lot. Do some regrading so the trees will be a hardier tree and be able to survive and last a long time to make it a very attractive building lot. They had a drawing of what it looks like now and a depiction of what it would like with all the trees they are proposing.

Mr. Rick Ray said for the last 35 years, he's been a teacher of wooded plants identification and culture. He taught a landscape technique course which deals with trimming, transplanting, instruction site damage, and plant propagation. He taught at Temple University campus for a number of years and Del Val College for 20 years. He currently teaches at the Barnes Foundation for the last 15 or so years. He said the critical thing is saving the walnut tree in the lower left hand corner. That's why the house has to be pushed over more to the right. A pioneer species has come in called ghetto palm. It's a city type of tree. This is one of the invasives out there and with seed production, it will infest the areas on the other side of the road. It's underground and keeps going and going. On the invasive plant list, out of 25 there are six of these on this property. Five percent of the plants don't grow here very often. The removing of multi flora rose, garlic mustard, and the oriental bittersweet will improve the property. The purpose of regrading this is to put some of these trees up on a berm and there is a benefit to this. You raise the plant up, it's six feet, and now it's two feet taller as they are up higher now. By bringing in new soil, giving the plant a little bit more height which gives better aeration, better root run, it actually will make the plants grow faster and better and more stable. Some of the plants may have come off of trucks on the highway.

Attorney Plunkett said the purpose of the steep slopes variance is so they can lay a better foundation so they can plant the new trees, and put them up on a berm. They would be behind the house.

Mrs. deLeon said she is amazed at the disturbance of the slopes and the percentages are so high. Attorney Plunkett said they didn't create the lot. Mrs. deLeon said when there are problems with the slopes, then the township has to sit here and listen to the problems with the storm water.

Mr. Tetterer said they are increasing the slope along the rear section of the properties. They are also creating some flatter areas along the front of the property where actually you are going to get more runoff from steeper slopes and infiltration from slighter slopes. From a general run off situation, you are not going to have an increase of water runoff from the site. They can run the roof drains out the front and let them infiltrate along the front of the property. In doing this, they are going to be redirecting water to areas where it can infiltrate as much as possible. There is a cross pipe at Mountain Drive and a drainage

swale at the back of the property now. They do not feel there is going to be any noticeable impact on the storm water runoff for this site. They are creating about 3750 sq. feet of additional impervious surface which they will grade in a manner to make sure that they direct it to areas where it has the best opportunity to infiltrate. They deal with any storm water runoff.

Mr. Ray said if you notice where the trees are, by putting the trees there, any water coming down the slopes will be picked up by the mulch, the trees, and so forth. It comes down slightly and then flattens out. That's where all the water will sit.

Mr. Maxfield said driving by the site, you can see it's been used as a dumping ground. There is a lot of construction debris on the site right now. It's a safety concern. As this regrading takes place, can you guarantee the township that this issue will be addressed so that it is made a safe environment there? Mr. Strelecki said this is one of the major reasons we want to do this. He never thought we'd have this problem when we went to regrade it, and didn't think the trees would grow at the rate that they grew. They are literally on top of these piles. They intend to get rid of the debris. Mr. Maxfield said there is a future dwelling drawn on the map. Normally what they try to do at the township, is you have a 60 x 35 sq. foot footprint. They like to have it guaranteed that whatever dwelling goes in there, it's going to be that size. Mr. Strelecki said it's hard to say it's going to be exactly 60 x 35 because houses aren't quite that generic. Mr. Maxfield said we're talking about impervious coverage. Attorney Plunkett said the zoning ordinance right now for this two acre lot would allow about 373 sq. feet of impervious surfaces. Although the configuration of the house might change, they can certainly be willing to live with that restriction.

Mrs. Yerger said is that taking into consideration the steep slopes and all that? Mr. Tettermer said that is how it is right now before they touch it. They would be removing the trees, regrading it, but they'd still be bound by the impervious surface requirements of the lot before they touched it according to the slopes that are there now. Mr. Maxfield said can we guarantee this will be a residence and not a business? Mr. Strelecki said that has not crossed their mind to have a business there. It's a very tough lot because of the highway behind it. For the period of time they own it, it'll be a house. Mr. Maxfield said your time line for building is up in the air. He'd like to make sure this extra additional soil being placed on the property to achieve what you want to achieve, that it isn't going to look like a dumpsite for a long time. Whatever happens when the future building is built, when and if the work that has been done with the trees and the grading, that is not going to be redisturbed. We wouldn't want to in the future move more trees to put a driveway in place or something like that. The work that is done, limit the disturbance and try and keep it down to that point. Mr. Strelecki said that's the most sensible spot to put a house and put the driveway in. Mr. Maxfield said he's trying to predict as much as he can for the township's sake. Mr. Strelecki said he doesn't see a real big house going there because of the highway. They had talked one time of bringing sewer and water. They have no vision of any that now. They are ready to grade now. Mr. Maxfield said best of luck getting rid of the invasive plants.

Mrs. deLeon said her comment is, the people in Woodfield's who border I-78, complained of the noise, and asked the Township to get sound barriers put up. The township tried, but it's a state decision. Will you be putting on the plan that they are near a highway and the sound is there, and have a buyer beware type thing? Mr. Strelecki said that would be fine, he has no problem with that. Attorney Plunkett said disclosure is the best medicine. Mr. Birdsall said they mentioned bringing public water and public sewer, have you considered what is going to happen with the earth disturbance with your ability to put in on lot sewer because that would be the alternative if you don't have public sewer there. Mr. Strelecki

said he's making an assumption that with the type of systems available, one of the ways he actually found out about Mr. Ray, was by attending some of the seminars for the newer systems that are there. He has confidence they will have a system and they will get a well. No, they haven't really thought about exactly where it's going to be. They didn't because they didn't know if they would get Council's blessing, that would be one of the next things for them to do. Mr. Birdsall said should that be a condition that they shouldn't start moving things around until they know what they are doing with the final product of the on lot sewerage. You need a primary and an alternate site and needs setbacks for your well and where you will be putting it. Attorney Plunkett said that's an agreeable condition.

Mrs. Yerger said when they grade this, would it come under Northampton County Conservation District for the grading plan? Mr. Birdsall said he thinks it would, disturbance over one acre in size and maybe you'd want to put that as a condition. Mrs. Yerger said did you choose the plant list? Mr. Ray said, no, they did not like it. He'd like to see it look like his house which looks like a garden court. Mrs. Yerger said can we go with the native equivalent instead of the Norway Spruce and Dogwood? Mr. Ray said he had recommended after the list was put together, that probably one of the best plants is Oriental Spruce. There may be a pro integration or anti integration issue here with non-native species, but the Norway Spruce is a very good plant. The Oriental Spruce actually is a better plant and longer lived, narrower and slower growing. It definitely is a higher quality plant. As far as the Japanese Dogwood, probably the American Dogwood is a little bit of trouble and they've come out with new varieties that are less susceptible to disease. There are plants that are said to be more resistant, but you can't get them quite yet. The Japanese Dogwood is a high quality plant. Mrs. Yerger said she has the native Dogwoods, and what she has been experiencing is the ones coming through, are actually doing well and are very hardy. She would hope you would consider revisiting this and if you want to put Dogwood there, then find some other native specie because this is an area you could form a small habitat. Find something else that is native. Mr. Ray said those young Dogwoods aren't necessarily immuned to what happens later in life. Mrs. Yerger said yes, they could be like the Elms, you're absolutely right. Mr. Ray said there are native plants that are invasive. Mrs. Yerger said she would encourage them to run it by our Planner, Judy, who will help pick out acceptable plants.

Mr. Maxfield said there are some conditions: the debris issue on site, Jim had mentioned the septic issue remaining within the percent of impervious coverage, make sure the grading is reviewed by the Northampton County Conservation District, and ask our Planner, Judy to review the replacement list.

- MOTION BY:** Mr. Maxfield moved for the above conditions given to the ZHB, with no action by Council.  
**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

**II. PRESENTATIONS/HEARINGS (Agenda item intentionally done out of order)**

**A. MEADOW'S ROAD CORRIDOR TRAFFIC IMPROVEMENTS**

Mr. Kern said Bob Lynn, with HEA will present to Council the recommendations they have prepared for traffic improvements to the Meadow's Road corridor.

Mr. Lynn said in 2005, Council directed HEA to prepare a traffic study for the Meadows Road corridor. The purpose of this analysis was to investigate the possible options and related impacts to

some of the congestion and safety concerns at the intersection of Meadow's, Springhill Town Road, Skibo Road, Walnut Street, and 412. An additional consideration was included was the reduction of vehicle trips and loadings on the bridge over the Saucon Creek. They started the study by collecting actual peak hour counts, and turning moving counts. They did not do average daily counts. They were completed in November 2005. They also collected some accident data from PennDOT for a three year period what was available and from the local police. What they found was the intersections of Walnut and 412 and Skibo and Meadows Road all operated at acceptable levels of service. The intersection at Meadows Road and 412 an undesirable or failing level of service. Based on the PennDOT information on reportable accidents, they found there was no pattern of circumstances that was correctable with any one solution. Reportable accidents are defined as either someone is injured or at least one of the vehicles involved has to be towed from the scene. If it's an ongoing thing, the accidents happen in a pattern that is very similar continually for those reportable accidents. There were a total of 12 accidents over the three year period, and while some were similar, there wasn't a large group of them that fell into one type of accident. They looked at four possible actions to address the concerns. They included making Meadows Road a one-way in a westerly direction away from 412 between 412 and the bridge; making it one-way towards 412 in an easterly direction in that same location; signaling the road at Springtown Hill Road and 412 intersection, and also relocate Springtown Hill Road to either the traffic signal at the shopping center or providing some other means for realignment of that road. With exception of making it in an easterly one-way street, all of the options had merit. When they went back and looked at the analysis, what they considered was the timing of the ability to do the improvements and the cost of the improvements. The most immediate impact and recognizable improvement would be to make Meadow's Road a one-way in the westerly direction between 412 across the bridge to the entrance at the Meadows Banquet facility. They analyzed that situation to see what the impact would be on the other intersections. They found that the increase in delay or level of service at any of the intersections was negligible. Skibo Road and Meadows Road only experienced thirteen hundredths of a second in delay with redistributing the traffic that would normally be traveling out Meadows Road towards 412. They then ran an analysis on the traffic signal at Walnut Street and Route 412 to determine what the impact would be out there. They did see some degradation in the level of service for east bound traffic approaching 412 from Skibo/Walnut Street approach. That was predominantly related to through movements there and not the additional left turns we would expect from the redistribution of traffic from Meadows Road. The ability for the bridge structure to continue to carry traffic was one of the concerns. They looked at some other problems that could arise with this – the enforcement of the new traffic pattern by the police department as well as the inconvenience to local residents. Specifically, there are two residents that actually access Meadows Road on the east side of the bridge from Martins Street, and also the increased traffic at Walnut Street and 412. They found the two residents would probably be the most negatively impacted. The only way for them to get to their properties would be to come into Meadows Road from 412 regardless of what direction they were coming from. There also exists some potential for cut through traffic on Victor Road. They believe that would be local people only. The redistribution at Walnut Street was analyzed, and overall, the total increase in delay was three seconds in the AM and 3.3 seconds in the PM peak. Again, it was a negligible delay based on the redistribution of the traffic. The level of service is a timing delay that a vehicle would expect to experience at any given time. What they look at is level service A is obviously the best. A car is going to experience less than a 10 second delay. They are going to come to a stoplight and they'll be there for more than 10 seconds and be able to continue their movement. If it was level service A, they gained another 3 seconds on top of that. There is a difference in the level of service for signalized and an unsignalized intersection. You would expect less delay at an unsignalized intersection simply because as soon as you get a gap, you can make a move. After looking at all these options, in light of the fact that what is being presented to you, there are only interim solutions. In the past, ultimate signalization of that intersection and possibly with or without the relocation of Springtown Hill Road is going to improve the traffic conditions along the corridor along that area. This as an interim, along with the addition of the signal of the light at Polk

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Valley Road, which is being proposed will reduce the safety issue there even if we still do allow left turns into Meadows Road from north bound traffic. It's the most cost effective option and will provide the most immediate impact of improvement at that intersection. The township needs to pursue the reduction of the speed limit from 40 MPH to 35 MPH from Hellertown to south of the Creekside Marketplace. They are also looking to implement the one way implementation on Meadows Road, and Victor Road should probably be monitored if there is an excess number of cut through traffic. You should consider pursuing realignment or relocation of Springhill Town Road and the signalization.

Mr. Kern said the interim solution was put in place because of the length of time it would take to put a traffic signal, with PennDOT approval and all the paperwork, it could take years. Mr. Lynn said that's why we're looking at this as an interim. You should also consider working with local developers to pursue any geometric improvements that may improve the intersection of Skibo and Meadows Road to make that a T intersection with just two stop signs, and to work with the county and state to develop the permanent solution for the 412 corridor.

Mr. Birdsall showing the map, said the green area down in the lower right side, the area of concern is the area we are recommending one-way traffic. At the end of that short section of road, is the stone arch bridge over the Saucon Creek. That has been inspected by the County every two years and in recent years, they noticed more and more bulging of the rocks. They have put some improvements in it because of erosion during some of the storms, but have reported the structure itself is deteriorating and don't see a way they can arrest the deterioration. They see that in the future that will have to be replaced. The township has approached them with regard to them repairing it, improving it, and maintaining. Their response is they would not consider that. The concern we bring is if we are depending upon the bridge to survive, the number of trips across the bridge, if they can be reduced, will improve the longevity of the bridge. They did think about the concept that if it was east bound traffic, there would be likelihood that trucks would be not traveling that road if they knew there was a truck restriction. The other issue relating to the bridge is the neighborhood of Meadows subdivision as that connects the road as an emergency over to Old Mill Road, we want to be very mindful of the fire company at Leithsville and them having a difficult time getting to any one on Old Mill Road or Meadows Road or Meadows Subdivision. The emergency access from Leithsville became important in our consideration.

Mr. Maxfield said early on in the discussions when it was said there might be possibly a one way section of Meadows Road, he assumed it would be in the direction that Jim was just talking about, in the reverse direction. It was also suggested that there would be a no left hand turn sign at the end of the road at 412. Could you explain what would be the disadvantages to that approach?

Mr. Lynn said one of the things would be the fact that if someone would come down Meadows Road with the idea that they would be making a left hand turn, their option would be to go straight across and find someplace to turn around or go up to the shopping center and turn around there, or to make the illegal left. 90% of them would make the illegal left. That totally defeats the purpose of creating a better situation. They looked to eliminate left turns into and out of Meadows Road. The problem with that was the overloading on the mainline on 412 would significantly increase the number of conflicts with left turns at Walnut Street.

Mr. Kern opened it up to the floor. Mr. Birdsall said many people sent in emails and they are looking them over and will be making a report to the Manager.

Tom Pollack, resident, said the problem he sees is where you have the turn-a-round right by the Meadow's entrance. We have a lot of patrons coming in and out. When we have floods there, it's impossible and you can't go through there at all. If the turn-a-round was put by the PPL station, that's what he would recommend.

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Nancy Pollack, resident, said wouldn't just having a light at McDonald's be a big help. If you had a light there, that would stop the traffic, at least some part of the time that people would have a chance to get out on Meadow's Road. That's the thing you need. A light at Meadows is too close to the Giant light. Mr. Birdsall said first is the jug handle at Springtown Hill Road. Right after that is the signal at Polk Valley Road. The township has been working with the property owners and the Borough. Ms. Pollack said when they put that Eckerd in, they are not cutting into the Eckerd parking lot, but into the side yard across the street. That's a shame and they should have planned ahead on that. Mr. Birdsall said Hellertown is improving that signal also. Everything is in place except the right-of-way on the southwest corner. They need a little sliver right away and they are working with that property owner right now. They want to get an extra turning left lane out of Walnut and the timing of the light.

Joel Katz, resident, said this issue of that whole area is of great concern, and the COG, consisting of Hellertown, LST, and the school board, often discussed that. The notion of going uphill from 412 up Meadows Road is a perfectly viable solution at the moment. He was at the Hellertown Borough Council meeting and they were not very friendly to this proposition. Tony Branco wasn't, and he sort of had two points. He wasn't happy that 51 houses were in the planning stage at the head of Skibo Road. His bitterness arises out of the fact that Hellertown should have been consulted on that one and that this change in Meadow's Road would result in considerably more traffic on the intersection of 412 and Walnut. The turn around sounds like a good idea at the PPL site. Other than that, it's perfect.

Monica Willard, resident, said they are new to this area. She is incredibly impressed with the thoughtfulness the township is doing to slopes, to trees, and she sees you are doing it with traffic as well. She's looking at a new subdivision that is going in with 50 new houses. She's also looking at every single event the Meadows Club has, and to have all of that traffic going up, it certainly was not in their mind at all when they bought their house. She's concerned about the new houses, and people are being shown new houses, and she's wondering if they realize they cannot go to the grocery store by just going down the Meadows Road. She's glad she heard all of this. It's not an easy decision. One block of one way is not going to be the best decision at this point right now as we are basing it on information that is going to be outdated in just a few months. There might be other ways to do it for emergency vehicles. She'd hate to see a decision made based on the statistics from last November. Mr. Lynn said one of their recommendations was to work with any new developments that came in to consider the geometry and whatever traffic improvements they can make and coordinate with the township to make this more viable and more user friendly. This is a not long term interim solution. Mr. Birdsall said we have been aware of that development for three years. Those numbers are factored in. We are taking into account growth and the 51 homes. Mrs. deLeon said we've been talking about this for many meetings. We wanted to hear from the public. Hearing from what you are saying, the professionals are going to factor this so we can make a final decision. Mr. Maxfield said regarding the 50 homes, as currently designed, it does add extra egress onto Friedensville Road, so there will be additional ways to get out.

Frank Krakowski, resident, said they live on Meadows at the 90 degree angle where it makes a sharp turn by O'Briens Farm. They've been here two years and he's amazed to see what he thinks was originally to be a small residential road intended to bring traffic into developing communities, turn into a bypass. Everybody is using Meadows Road and using it 24 hours a day to get around the center of Hellertown. He thinks with all the developments there, we are going to have more of a problem than we already have. He recognizes the safety concern at 412, trying to save the bridge, but unfortunately, temporary solutions become permanent solutions or long solutions. If you don't see what's happening with the other developments and what impact is going to occur, sometimes what you plan is being a good solution now creates other problems. Meadows is becoming a road where heavy truck traffic is running day and night creating noise and safety issues. Motorcycles are using that road as a speedway. They are drag racing in the evenings and going undetected as

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the same is true with cars. It will be a safety issue for children in those developments. Friedensville Road was developed to be the main bypass into town. More cars are using Meadows for that purpose. Both communities will have to get together and get input from the residents.

John Popowitz, resident said he comes home from work and sees the traffic light at 412 and Walnut backed up over the tracks by the pond, and that's now. What is going to happen when we divert everyone down that way. He's seen people wait 10 minutes to get through that intersection. It's not going to work. He avoids 412 and comes down Front Street and he can't turn right as the people at Eckerd are waiting for people to get through that light. He said a three second wait – it takes 10 minutes to get through that light. If you get one car turning left and the other cars from the high school are going straight, one car goes through that intersection. You need to get together with Hellertown to discuss that light. He can live with the one way, but he doesn't want to wait 20 minutes to get to the Giant. You can make it a longer light or have an arrow of green for turning. Mr. Kern said that intersection will be improved and there will be a left turn lane at the Eckerd, both ways. Mr. Popowitz has seen cars speeding on Meadows. You don't want to take 412 to go home. From Wendy's to his house, it could take him ½ hour. Now you want to have more cars come down Walnut. Mrs. deLeon said Guy Lesser is sitting in the back of the room and taking notes. Mr. Maxfield said they have been talking to Hellertown for awhile. It's a long process. Mr. Birdsall said no application has been put together to PennDOT for Meadows Road and 412. Polk Valley is the high priority and the right hand turn northbound onto Springtown Hill Road should be issued in a couple of days. There's no design application for Meadow's Road. Mrs. deLeon said it's amazing how long things take in the public realm. The COG meets once a month and one of their agenda items is to talk about traffic issues and they talk monthly to Hellertown about it. She said with the 51 homes the developer has a right to develop. Anyone who owns property, can develop it according to our zoning ordinance. If it says they can put 50 homes there, our adjacent municipalities can't be upset that we're allowing that to happen as that's the right the state gives you to own property.

Craig Cherry, resident of Victor Road, said he thinks traffic will be diverted down Victor Road. People leaving the Meadows banquet facility will learn quick enough to divert down Victor. Once you eliminate any kind of exit out of Meadows, everyone in the existing developments are going to be using Victor also. The road has a bend and a hill in. Most people are speeding and it's a blind curve. He hopes they look at it again and look at the data and eliminate Victor as a cutoff. Mr. Kern said he has that in his notes on what to do if people start using Victor as a cutoff. Mr. Maxfield asked if there were any interior stop signs? Mr. Cherry said no.

David Willard, resident, said they live at the intersection of Meadows and Skibo. He thinks that the analysis is fairly thorough with the consideration of 412 and Meadows and the bridge, emergency vehicles, and egress. If the improvements of Walnut and 412 is so imminent and signed off by the town of Hellertown, then it would seem quite logical that you wouldn't pursue or at least take action on this until that improvement was done. Is that the plan? Mr. Kern said right now we're just gathering the information and there's no time limit on when we are going to make a decision. Mr. Birdsall said with regard to Victor Road there is a solution that is fairly easy. That would be one way south bound.

Grant Hawk, resident, said he's against the one way. He lives at 1781 Meadows Road at the bridge across from the Meadows. Now he hears people talking about not using Victor Road which he thought he could drive on any public road. The point is, today, he checked. From his house to the Giant is 4/10<sup>th</sup> of a mile. If he has to go around, up and through Victor Road and out to Hellertown, it's 1.7 miles. Now if he can't use Victor Road and go farther, it's going to add some more miles. In this day and age with gas at \$3.00 a gallon and even going higher, it's a little ridiculous to force people to go miles out of their way. He'd like to oppose the one way and should get a light at 412. As far as lights being too close together on 412 with the Giant, how many

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lights are out at the end of Hellertown where they just put them up in a hurry. There's four lights in less than two blocks.

Stephanie Brown, resident, said she's been here for a year trying to bring the various problems of Meadows Road and all the subdivisions to the Township's attention. She was hoping they got her email she sent. Mr. Cahalan said residents that sent in emails, Jim mentioned earlier they are compiling them. Ms. Brown said let's address the developments that are going in. You did this in January 2005 and there have been no traffic counts done on the road. You did turning counts, but not actual average daily counts, why is that? Mr. Lynn said they did the manual turning moving counts during the peak hours. They were looking at analysis of the capacity of the intersection involved and the impact of the developments on those. The peak hours will be the highest traffic hours and the greatest impact on the intersections. If you want to look at the capacity of the road ways, we can put an automatic traffic counter out there if Council would like. She keeps hearing about the T at Meadows and Skibo. What is that plan? Mr. Birdsall said when the subdivision across the street was approved, they were required to grant right-of-way to allow this to occur. The township does not intend to spend public funds on projects unless there is a need. The need had not arisen to the level of the township spending public funds to reorient that intersection. It is on the radar screen and that's why it's not done. Ms. Brown stated she's concerned about the various intersections including Walnuts Street. What about Friedensville and Meadows Road? Mr. Birdsall said the property owners for Society Hill were asked to write a letter to PennDOT for Friedensville. As far as the additional load on Friedensville, their study studied the intersection at Friedensville, and yes, there are problems there that need to be addressed. Mr. Lynn said their analysis on the redirection of the one way did not include Friedensville Road as they were looking at redistributing the traffic, worst case scenario, from Meadows to Walnut Street. She said Meadows Road has not had yellow lines on it after seven years. Mr. Maxfield said we discussed this last meeting. Mr. Horiszny said same answer, not until it's paved. Ms. Brown said how exactly, other than using signs, are you going to make it one way down there? Mr. Kern said it is enforceable as enforcement is. Mrs. deLeon said just like any road, we have the right to change traffic patterns on any road just like PennDOT can on their roads. Ms. Brown said what about putting a light at Apples Church Road and including Mount Pleasant Road? She's against a light at Meadows Road. You have no time frame for the improvements at Walnut Street. Mr. Maxfield said they are not their improvements. Mrs. Yerger said there is litigation right now.

Nancy Pollack, resident, said the Meadow's has been in their family for three generations from 1955. We love that bridge. We have no objection to have a left hand turn out of the Meadow. The bridge is beautiful and to see that thing go would be a shame. They have issues along Skibo Road. They own two properties on Skibo. We're also concerned about the one-way, two-way. As far as the T up at the top, that was dedicated to the township. She's never gone down Victor Road. She never even thought of it. The cars on Skibo go really, really fast. If she lived on Meadows, and like Mr. Hawk, would have to make a left to go to the Giant, that's going to be a pain in the neck, but somewhere along the line you are going to have to make concessions. They enforced Depot Street. Eventually people will get the hint. We have a vested interest in this. Somebody is always going to be unhappy and someone is always going to be happy. Whatever you decide is fine with us.

Ted Beardsley, resident, said this whole idea of studying the traffic started because we were trying to relieve traffic on the bridge so the County wouldn't have an excuse to replace the bridge. The county is now saying the bridge is deteriorating and they need to replace it. If there is enough public outcry, they'll find enough money to fix it if it can be fixed. If they put a new bridge in, will there be off ramps to get to the Meadows and Grant Hawks as their driveways are so close to the bridge. There's been much more truck traffic on Meadows. Two moving vans came down, obviously lost and they went over the bridge. If you make the mistake of coming in Meadow's Road you have to go over the bridge. There are no signs until after you get in to Meadows Bridge

that say 10 ton bridge which most people ignore anyway. If you make it one way, up at Skibo and Meadow, you need to put a sign that says you can't get to 412 this way. Mr. Cahalan said there is no signage when you turn into 412 to go over the bridge. Mr. Beardsley said if you go ahead with a traffic light at Polk Valley and the improvement at Springtown Hill Road and making the bridge a one-way, we live with that for awhile, and then reevaluate a need for a traffic light. Someone last Wednesday coming out the Meadows hit a car on the bridge, and this would eliminate that also.

Chief Lesser said he heard several enforcements issues. The Meadows Road/412 intersection has been clearly a concern of Council's and the PD. Relative to enforcement, he would like to think that those familiar with the PD know we have a reputation of being an enforcement oriented PD. They've worked on that for a number of years. They will focus enforcement efforts on any of the items he's heard mentioned tonight. He would strongly encourage you when you see violations, please, call the PD department. They strive to have three officers on 24/7. At times, there are only two on. Ask the officer to stop at your residence and talk to him. If you don't like the response you get, please phone Chief Lesser and notify him. There are officers sitting at 412 and Meadows Road. If they view a violation, they will take action. Ms. Brown had a complaint and Mr. Kern asked her to please talk with the Chief at another time as this is not the time to talk about this problem.

An unknown resident who did not give his name and did not go up to the microphone said he put a video camera on his property. He had a LST officer sit in his driveway having a conversation with him. He observed two police officers drive a car, flying down the street, and when they saw him sitting in his driveway, they decided to pull over and inform them they were Bethlehem cops. He didn't write them a ticket. Mr. Kern said for this resident to contact Chief Lesser afterwards.

**IV. TOWNSHIP BUSINESS ITEMS**

**A. APPROVAL OF CITY OF BETHLEHEM POLICE TO PATROL SOUTH MOUNTAIN PARK AND RESERVOIR PROPERTY IN LOWER SAUCON TOWNSHIP**

Mr. Kern said the City of Bethlehem Police Department has been patrolling the South Mountain Park and Reservoir Property in LST and they are requesting formal approval from the Township to continue to do so.

Chief Lesser this dates back further than anyone of us are able to identify and clearly the township receives a benefit from that. It's off of Mountain Drive, the Reservoir area, by the Bethlehem Star and the park that's off of University Avenue. There are residents that are adjacent to the park and have made a number of stops and arrests in the park area. Bethlehem PD also patrols that area and has done so for at least three decades. It is clearly a benefit to the township. They were able to identify no written record of that. It's both our departments and their municipalities hope they are able to establish a written documentation of that.

Mrs. deLeon said she was very surprised to see this. She had no clue this was going on for all these years. The City owns the property and the City always has felt that the Township stay away, it was their area. What happens if there was an incident there, would our officers still respond like double dispatching? How would that work with 911? Chief Lesser said when the City operated the Bethlehem landfill, it was entirely fenced. Often they would handle a call there with no knowledge of LST. That's not true at the park. It's an open traffic way. LST officers patrol that routinely. They initiate stops and affect arrests. It's our intent to continue the ongoing relationship. Our officers patrol that part of LST and take initiative. Their officers also patrol it. The residents have a clear benefit with the ongoing relationship with the City and LST. Mrs. deLeon said if someone calls 911 and they call the County, the Township would be dispatched. If they call Bethlehem's 911, how does that work? Chief Lesser said they are dispatched there and also the City of

Bethlehem has been dispatched to the Reservoir property. There's a possibility that both departments could be dispatched. Attorney Treadwell said if you're asking whether we need a mutual aid ordinance, he doesn't think we do in this instance. It's been an ongoing practice in the past and he's okay with the way it is now, just a letter to Bethlehem. Chief Lesser said when individual phones call Northampton County about the park, LST is dispatched. If the City were contacted at the Star or the Reservoir, their officers would be dispatched. Could he assure her that in every instance they would be notified? No, he knows they were notified recently relative to a serious incident there. They were in contact with LST immediately. Mrs. deLeon said that's where she has a problem. If they are responding to something in our township, we should know what's going on. That did not happen with the landfill. If it wasn't for Act 101, we would have never known what was going on at that landfill even though it was in our Township. Mr. Maxfield said to further that question, if the Bethlehem PD respond to an incident here, how is the perpetrator charged? Is he charged under LST laws or Bethlehem's laws? Chief Lesser said the park is the City of Bethlehem Park and it is controlled by their ordinances. We also have enforcement power relative to the crimes or vehicle code throughout LST. It's clearly a strength and a benefit for the residents in that area. Mrs. deLeon said Tom raises a good point, can Bethlehem police arrest somebody if it's in LST? Do they take them to Bethlehem or LST for processing? Chief Lesser said if they affect an arrest, they utilize the Bethlehem City PD. When we do, we utilize our PD. Because of the unique situation of the municipal owned property, and controlled by the City ordinance in LST, that both departments have jurisdiction. Mrs. deLeon said just because it's happened for 30 years doesn't mean it's right or it's legal. She'd like something in writing that if somebody is arrested or charged, it's going to be an enforceable charge. She's not hearing that answer. Chief Lesser said he's not aware of an incident where they weren't notified, but he can't attest to that. Mrs. deLeon said we need to look at this and get more wording in here before we approve this. There's a big hole. Mr. Maxfield said it simply could be a communication issue. Attorney Treadwell said he and the Chief will discuss it and get back to Council. Mr. Maxfield said a crime is a crime and if you're arresting perpetrators, all the better. Mrs. deLeon said she can't imagine a LST officer going into the City of Bethlehem and arresting somebody. Does that happen? Chief Lesser said if we owned a municipal park near our border, then we might see that. Some of our officers pursue violators in other jurisdictions and affect arrest, so that does occur. It's quite proper and legal.

- MOTION BY:** Mr. Horiszny moved that we grant the approval to continue the operation the way it is, but we add wording to make sure we're notified.
- SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-1 (Mrs. deLeon – No – she's disappointed her question wasn't answered)

**III. DEVELOPER ITEMS**

**3. AGENTIS BROS. – ROUTE 378 AND EAST OAKHURST DRIVE – REQUEST VARIANCE FROM VARIOUS GENERAL DIMENSIONAL REQUIREMENTS TO CONSOLIDATE 16 LOTS INTO ONE LAND DEVELOPMENT FOR A PROPOSED CAR WASH AND ADDITIONAL BUILDING**

Mr. Kern said the applicant is requesting relief from various general/dimensional ordinance requirements such as impervious coverage, number of principal uses, driveway parking and buffering. The applicant is proposing to disturb woodlands, environmentally sensitive woodlands, and steep slopes in exceedance of the allowable disturbances in section 180-95 of the zoning ordinance.

Present: Bob Agentis, Attorney James Preston, and Tom Buss, Engineer.

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Attorney Preston said they are here this evening for zoning relief. They met with staff. They have a map of the property which he went over and showed Council where the property was, showed the lots and the existing homes, and what they were proposing to do with the 16 lots.

Mrs. Yerger said you want two uses on the same lot. Can't you just merge it into two lots and that way you don't have to go that route with variances? Attorney Preston said they sort of end up at the same place. Originally, they structured this where they would use a sort of shopping center designation. That would allow them to have different uses on a single lot. Staff didn't care for that idea. He felt it would be easier as it would be a permitted use. Staff wanted them to identify the uses specifically, contain the uses, one of them being a car wash, the other one would be the additional site and then they can develop it with coordinated parking. That was the drive of the staff to have a coordinated parking, traffic control for the two sites. Mrs. deLeon would like to hear why staff wanted it in to two lots. Mr. Birdsall said it's important, especially in this area, to try to minimize the number of entrances out on 378, but also provide the entrances at locations that are best for circulation and also, then provide internal circulation within the property. Given the choice on what they were proposing originally and this choice, they felt this choice would be a safer way for a variance to be granted if it were granted. It would give them a little more control to the process you are going through and still keeps advantage of keeping a joint parking lot between the two uses. Mrs. Yerger said her concern is the whole thing with the public road separated by 300 feet proposed as 191 feet. They are going to be shy by 110 feet. Is that not a safety concern? Mr. Buss said if you were to take that site, and take a property line between the buildings, what goes along with the property line is your building setbacks. You would have to take that amount of space, and lose another 100 feet in there, which would mean either one of those buildings would work. That's the primary reason if you consolidate it into one lot, you save that 100 space of building setbacks. Mr. Buss said they presented PennDOT with a similar plan and they are okay with the sight distance, etc.

Mr. Maxfield said are the lots to the south also merged into this as one big piece, the lots in Upper Saucon? Attorney Preston said no, only the area that is colored on that map would be contained within this project. One is a single family residence that has already been leased and will remain. There is a long term implication as to the intersection improvements that involve Stabler and an easement agreement that they entered into with Stabler. It will be City water and public sewer. The sewer will be headed over to Upper Saucon, at least tentatively. There was some indication in our meeting with Staff they may want to redirect that across 378 into the LS side. They have no position as it's whatever the townships wants. As it stands now, that large corner property is going to go away and may ultimately contain a pumping station.

Mr. Agentis said their sewer line is going to run along the former street that they vacated. They haven't worked the engineering out with Upper Saucon yet. There's going to be a pumping station involved at some point. Mrs. deLeon asked about the public sewer, is that with our Authority? Mr. Agentis said the understanding he has with the LS Authority was that it wasn't economical for them to reach this property as there were some physical barriers, one of which is the bridge for I78 which renders it inaccessible from where the current location is. Mrs. deLeon said does that need Councils approve to go outside of our jurisdiction for sewer? Mr. Birdsall said eventually the township council will be presented with a planning module for land development that will spell out the alternatives involved. If you're not happy with that, that would be the official time for you to give comments. From their staff level, they'll be asking LSA to look if it's feasible to come in and serve it from the residential neighborhood further to the east. The neighborhood across the highway from this neighborhood is in LST and it's zoned for business and it would seem logical at some time in the future public sewer will be brought to that side of the highway. That's all down the road. Attorney Preston said they will take the Township's direction on how they want the sewer.

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Mr. Garges said he wanted to clarify their previous question with Jim's statement about the staff directing this option over the other. The problem with the other option is that the convenient shopping center in this zoning district is not a permitted use. What they were looking to bring in here is actually permitted uses. Taking that into consideration, along with the fact of the property line down the middle, traffic flow, parking, and side yards, it would bring on more variances to go in that direction as well as a use variance than it does to proceed in the direction that we are in now. That's the direction we were trying to get them in to minimize the number of variances and make the whole project work.

Mr. Maxfield said the need for the steep slope disturbances, can you explain where that is occurring and why? Tom Buss showed on the map the steep slope disturbances. The steep slopes are a result of I-78. Mr. Maxfield said the woods that are there are really not healthy. Have they grown up since 78 cut through there? Mr. Agentis said when his parents purchased that property, he helped his father plant those trees. There has been significant growth over the last 30 years. Certainly those trees were precious to his father. He took good care of them. With that being said, their plans will incorporate enough plantings that are allowable on the site without making congestion. Some of the trees are in the buffer area, and whatever is there, they'd like to leave there and not take them out. Whatever they can save, they'll save.

Attorney Preston said the uses would be the car wash, office, business or professional, restaurant/sit down, craft shop, dance studio, marshal arts school, and retail kind of store. Mr. Kern said he'd like to suggest we take no action on this.

Chris Garges said there are two highlighted comments and they don't differ much from what they've discussed already and they've discussed them with the applicant. The first one is to limit the uses of building 2 to those uses permitted in GB2 and currently designated on the plan which they already agreed to. The next one was on the last bullet in his memo, that the board may wish to discuss a condition that states the proposed parking calculation for the car wash use is for the car wash use only and future uses of that building, if it may change, may not utilize the stacking spaces for compliance with the parking requirements. This land development is not creating an existing nonconformity with respect to parking for any future use that may move into that car wash building. Attorney Treadwell said the sewer issue will come back at a later time.

- MOTION BY:** Mr. Kern moved to take no action and add those two conditions as stated above as recommend by staff in the 7/11/06 memo from Chris Garges.
- 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

**4. MARGARET WHITACRE – 3808 CANNON AVENUE – REQUEST VARIANCE FROM FRONT YARD SETBACKS TO CONSTRUCT ADDITION**

Mr. Kern said the applicant is proposing to encroach three (3) feet into the required front yard of 25' to construct an addition to the home.

Mrs. Whitacre and Mr. Carlos, the contractor, were present.

- MOTION BY:** Mrs. Yerger moved to take no action.
- 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. TURNBRIDGE PARTNERSHIP – AUTHORIZE ADVERTISEMENT OF MCCLOSKEY ROAD VACATION**

Mr. Kern said the applicant is requesting the township vacate a portion of the McCloskey Avenue in association with their subdivision. A draft ordinance has been prepared and Council will need to approve the advertisement of a public hearing for the road vacation.

Andrew Schantz, Attorney was present.

**MOTION BY:** Mr. Maxfield moved to adopt the ordinance for advertisement of McCloskey Road vacation.

**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

**C. GREEN LINDEN TRUST/OBERKOTTER – 3325 GREEN ACRES DR. – REQUEST WAIVER OF LAND DEVELOPMENT REQUIREMENTS TO CONSTRUCT SINGLE FAMILY DWELLING**

Mr. Kern said the applicant is requesting a waiver of land development requirements to construct a single family dwelling.

Andrew Schantz, Attorney, Harold and Linda Oberkotter and Fred Lutz, from ARRO were present. Mr. Lutz said the Oberkotter's are proposing to construct a single family dwelling on a piece of property at the intersection of Greenacre Drive and Linden Oaks Lane. They submitted for a grading permit as well as on lot septic permit applications. They are requesting a waiver of the land development requirements. This is a single family home. It does qualify as a land development because of the amount of impervious coverage that is being proposed. Mrs. Yerger said they have quite a few issues to address – carbonate, natural resources. Mr. Lutz said all of those items have been addressed already. The carbonate study was done and reviewed by the Township engineer. There were sinkholes that were mitigated. Mrs. deLeon said there are issues that are presented here and she needs to know more. Mrs. Yerger said Judy is saying they are in need of meeting the environmental protection standards according to the zoning ordinance section 180-95. Mr. Lutz said that has been completed. There are no steep slopes. No wetlands were identified as part of the site survey, but as a result of these comments, they are going to provide the appropriate certification from professionals to address that issue. Mr. Lutz said there's an item questioning the proposed impervious coverage. That is located on the plans. Mr. Birdsall said why isn't this tabled and put on the next agenda and let them get submissions to the staff and clean up any loose ends and come back. It's still a great savings than going through the land development process if you're willing to entertain a waiver of land development which will save them three or four months of plan processing. It is the type of thing they have a burden to prove to the LST Council that they are satisfying all the conditions of the ordinances.

**MOTION BY:** Mr. Maxfield moved to table until the August meeting and address all the letters.

**SECOND BY:** Mrs. deLeon

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

**ROLL CALL:** 5-0

**D. LAURA RAY/DAVID SEIFERT – 3357 LOWER SAUCON ROAD – REQUEST WAIVER OF REQUIRED MONUMENTS**

Mr. Kern said the applicants are requesting relief of the amount of required pins and monuments due to the extensive curved road frontage on the property. They are before Council to propose two different options.

Laura Ray was present. Mrs. Yerger said they have a letter from HEA pretty much outlining it. Mr. Birdsall said Ms. Ray has done a good job describing why she needs the relief and they concur and they are recommending you either allow option 1 or 2 of her choice. The plan must show what she is doing. Ms. Ray said the fewer monuments, the easier it would be for sure. Reading the SALDO, it seems like two monuments made sense as it's more concerned about building lots, which would be the first option.

**MOTION BY:** Mr. Horiszny moved to grant the wavier subject to the HEA letter dated 7/13/06.  
**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

**E. HIDDEN MEADOWS ESTATES #2 – LOWER SAUCON ROAD – PRELIMINARY/FINAL APPROVAL**

Mr. Kern said the applicant has submitted plans for a two lot subdivision. No improvements proposed at this time. They have received conditional preliminary final approval from the PC and are now before Council for final approval.

**STAFF RECOMMENDATION FOR  
HIDDEN MEADOW ESTATES 2 MINOR SUBDIVISION PLAN  
FOR JULY 19, 2006  
LOWER SAUCON TOWNSHIP COUNCIL MEETING**

The LST staff recommends that the Township Council grant conditional final approval to the Hidden Meadows Estates 2 Minor Subdivision Plan prepared by Ott Consulting, Inc., one (1) sheet, dated April 13, 2006, as revised May 15, 2006.

It is recommended that this approval be subject to the following conditions:

1. The applicant shall address the review comments contained in the letter dated June 7, 2006 from HEA to the satisfaction of the Township Council.
2. The applicant shall address the review comments contained in the letter dated June 7, 2006 from Boucher & James, Inc. to the satisfaction of Township Council.
3. A recreation fee of \$3,113 shall be provided.
4. Plan Notes and/or Agreements shall be provided to the satisfaction of the Township Council regarding the nonbuildable status of Lot 2.
5. A conservation easement agreement prepared to the satisfaction of the township council shall be recorded.
6. Right-of-way easement agreements, prepared to the satisfaction of the township council for land within the ultimate Lower Saucon Road right-of-way which is more than five (5') feet from an existing structure, shall be recorded.
7. The applicant shall provide two (2) Mylar's and six (6) prints of the Record Plan with original signatures and seals for signature by the township and recording. Four (4) complete sets of plans shall also be provided. The applicant shall also provide two (2) CDs of all plans

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in an AutoCAD format (jpeg-ROM). The plans will not be recorded until all conditions have been satisfied.

8. The applicant shall pay any outstanding escrow balance due to the township in the review of the plans and the preparation of legal documents.
9. The plans shall note all waivers and deferments granted by Township Council in the review of the plans and the preparation of legal documents.
10. The applicant shall satisfy all these conditions within one (1) year of the date of conditional approval of this plan unless an extension is granted by the Township Council.

It is also recommend that Township Council approve waivers from the requirements of the following subdivision and land development ordinance (SALDO) sections.

1. Section 145-15 – Minor Subdivision Type A (2) which indicates that a subdivision does not qualify as a Type A Minor Subdivision if a prior Subdivision Plan has been submitted for the same land within a five (5) year period.
2. Section 145-43B (2) which requires lots abutting Collector Streets to construct a berm and planting screen with an easement prohibiting access to the street, to allow conservation of Lot 1 as it currently exists.
3. Section 145-52B which requires installation of street trees, to allow conservation of Lot 1 as it currently exists.

It is also recommended that Township Council approve deferrals from the requirements of the following Subdivision and Land Development Ordinance (SALDO) Sections until the future subdivision of Lot 2:

1. Section 145-41B (4) which requires that existing roads adjacent to the property being developed be improved to the standards of SALDO, to allow any improvements to both sides of the existing Lower Saucon Road to be coordinated with future road and storm water improvements of Lot 2.
2. Section 145-43B (2) which requires lots abutting Collector Streets to construct a berm and planting screen with an easement prohibiting access to the street, to allow the construction along the Lot 2 frontage to be coordinated with future road and storm water improvements of Lot 2.
3. Section 145-52B which required installation of street trees, to allow the installation along the Lot 2 frontage to be coordinated with future road and storm water improvements of Lot 2.

Philip Siebert, Michael Waldron, and Paul Dreyer were present. Also present were the applicants, Joe and Diane Chernaskey. Mr. Waldron said Council saw this project as a sketch plan. Originally the larger scope of the project is a cluster development which preserves the land on the farmhouse side and puts five units on a cul-de-sac on the other side of the road. To help facilitate the Chernaskey's to move in to the property, they've worked with Township Staff and they are proposing a two lot minor subdivision plan now that essentially splits the parcels into two pieces with a road down the middle dedicating the right-of-way we are proposing with the major subdivision. We are referring to the project as a major and a minor subdivision. With the goal here, preserving the open space, and the land for the total tract, per use, with the land use calculations and the open space requirements for the total major subdivision project. They want to feel to facilitate the use of Lot 1 which includes the farmhouse. They are here to ask approval of the minor subdivision to create the two lots. There were some comments about Lot 2 non-buildable. It's from a note he put on there that he's trying to get across they weren't proposing development on Lot 2 with this particular plan. All development on Lot 2 would come before Council with the next submission. Mrs. deLeon questioned what was Hidden Estates and Hidden estates Lot 2. Mr. Waldron said he'll look into it. The LVPC agreed what the six lot subdivision

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was and there shouldn't be any problem with a two lot subdivision on the same property. He will get that letter and forward it to staff.

Mrs. Yerger said it was stated the easement be completed or settled upon before final approval is granted. She doesn't see that anywhere. Mr. Waldron said it's tied two ways, and is somewhat confusing because of the evolution of where we got to today. It refers to getting the conservation easement reported and approved to coincide with the full development of the major subdivision. Mr. Birdsall said the reason this is on the agenda this evening, with the plan needing many, many changes, was because they wanted to make sure Council was okay with the concept of the easement being kind of linked to a future subdivision. This is complicating. They want to take advantage of the open space they are providing on the left hand side of the street to give you a credit for what they will come in the future on the right. There's legal language that has to come along. If you feel it's a small enough project that it could go to a final vote, they tried to set it up that way, but they realize there's an awful lot of engineering and things in Judy's letter they need to correct on the plan before they get it recorded. Mr. Maxfield said he doesn't mind using that in the calculation for across the street, but the easement language must be tied to this before the approval. Attorney Treadwell said that was what Jim's point was. They wanted to bring it to you to give us some direction to which way you want to go. Mr. Maxfield said the language in that easement is going to be very important to this Council. At PC, they urged you to get involved with the Township in discussions on this easement ASAP as they take a long time. Attorney Treadwell said they have been having discussion with staff. Mr. Dreyer said they did submit an easement being reviewed by Linc's office. Mr. Maxfield said they really need a three party holder of that easement. They need a conservation easement of some sort. It would be the Township, whatever party, and a conservation agency. Attorney Treadwell said it's either the Heritage Conservancy or Wildlands. Mrs. deLeon said we want to preserve land and make sure it's permanent, but permanent can't always be permanent as people can break it, so they do a three party that guarantees it for the future. This agreement has to be to the point the natural features are preserved beyond your ownership and acceptable to that. Mr. Maxfield said as a future owner, you should be in on those discussions. It'll take some time to work out. Mrs. Yerger said the easement is not acceptable as it is so general and so vague. When she ran it by people where she works, it pretty much allows for public access to your property. This needs to be re-looked at for your own sake. Mr. Maxfield said the conservation easement should be tailored to your needs, what you want to see and what you want to not happen on that property. This is standard and not even the right standard. Mrs. Yerger recommended that the Chernaskey's contact Heritage Conservancy or Wildlands and also work with the Township Solicitor.

Mr. Maxfield said he noticed on the property you had the underground pipe by the stream. That pipe is either blocked or non-existing now. It needs to be cleaned out. Mr. Chernaskey said it needs to be cleaned out. Mr. Maxfield said during the last storm, they did see flow going over land. Mr. Chernaskey said he's been cutting it back, but right now he can't as it's so wet. Mr. Maxfield said you might want to consider in the future to open it up as a real stream.

Mr. Birdsall said our time table is August 17 and you meet on the 16<sup>th</sup>. They would ask that they provide an extension. Mr. Waldron said the owner wanted to move in. Mr. Birdsall said you can now move ahead and clean up your plan. If you want to give some preliminary indication, they've asked for a lot of deferrals and waivers on road frontage improvements. Without necessarily asking Council for a vote, do you think you are generally okay with those so they can clean up that aspect of the plan? Mr. Waldron said at the PC, Judy was recommending approval of the plan at the time. A lot of the issues she raised, the work has been done. Mrs. deLeon said when she sees conditional final approval and sees pages and pages of conditions that refer to other engineering letters, she feels that things should be addressed by now. Mr. Maxfield said even if you came back on August 16, the details of the conservation easement are going to take much longer than that and a lot of these conditions should be cleaned up. If they are cleaned up, they could facilitate the

movement of these next month. Mrs. deLeon said do we get the extension or not? Attorney Treadwell said you don't necessarily need the extension tonight. We have a meeting before it expires. You don't need to take any action tonight. When it comes back on the 16th, hopefully the plans will be cleaned up and we'll have answers on the engineering issues.

This will be tabled until the August 16, 2006 meeting. No action taken.

- MOTION BY:** Mrs. deLeon moved to support the concept of preserving the open space and allowing it to be used if the other side of the road gets subdivided in the future.
- 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

**F. BRE – APPLEBUTTER ROAD – FINAL LAND DEVELOPMENT APPROVAL**

Mr. Kern said HEA has prepared a staff recommendation for approval for the BRE Land Development plans. They have received conditional approval from the PC.

**STAFF RECOMMENDATION FOR  
BETHLEHEM RENEWABLE ENERGY FINAL LAND DEVELOPMENT PLAN  
FOR JULY 19, 2006  
LOWER SAUCON TOWNSHIP COUNCIL MEETING**

The Lower Saucon Township Staff recommends that the Township Council grant conditional final approval to the Bethlehem Renewable Energy Final Land Development Plan prepared by Blazosky Associates, Inc., fourteen (14) sheets dated October 10, 2005, as revised April 24, 2006.

It is recommended that this approval be subject to the following conditions:

1. The applicant shall address the review comments contained in the letter dated June 7, 2006 from HEA to the satisfaction of the township council.
2. The applicant shall address the review comments contained in the letter dated June 7, 2006, from Boucher & James, Inc., to the satisfaction of Township Council.
3. The applicant shall address the review comments contained in the letter dated June 14, 2006 from HEA to the satisfaction of the Township authority.
4. An agreement prepared to the satisfaction of the township council addressing the conditions of the zoning hearing board and air quality compliance testing, shall be recorded.
5. The applicant shall obtain and then address any written comments from the Bethlehem City Fire Department. The applicant shall further obtain confirmation that the Bethlehem City Fire Department acknowledges their role as first responder in accordance with the City/Township Landfill Agreement.
6. The applicant shall provide two (2) Mylar's and six (6) prints of the Record Plan with original signatures and seals for signature by the township and recording. Four (4) complete sets of plans shall also be provided. The applicant shall also provide two (2) CDs of all Plans in an AutoCAD format (jpeg-ROM). The plans will not be recorded until all conditions have been satisfied.
7. The applicant shall pay any outstanding escrow balance due to the township in review of the plans and the preparation of legal documents.
8. The applicant shall satisfy all these conditions within one (1) year of the date of conditional approval of this Plan unless an extension is granted by the Township Council.

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Dennis Dobry, Attorney James Preston, and Chuck Foster (BRE) were present representing BRE. Attorney Preston said he has a copy of the motion that you spoke of. The motion has been executed by Mr. Foster on behalf of BRE.

Mrs. deLeon said we have the June 7 letter of Boucher & James and that's part of the conditions. She has the problem with the format of the motions.

HEA's letter: (A) is a clear condition; (B) is pretty simple; (C) she has a request, we have the issue with the fire company with the City of Bethlehem, that all goes back to the landfill when the City of Bethlehem sold it. They were providing the fire company, and we thought that rather than expose our volunteer fire companies to fighting the landfill fire, we went with the City and they agreed to do that. Our Steel City Fire Company are second responders. They usually show up before or simultaneously before the City. They wrote a letter saying they would like a Knox box. Was that considered? Attorney Preston said they already put that in the emergency response plan. Mrs. deLeon said the other issue she has is a request. This has no bearing on whether she's approving it or not. They mentioned a dollar figure to fit their equipment and it's like \$3500. Mr. Foster said they already verbally agreed to do that. Mrs. deLeon said you are going to donate that to Steel City Fire Company? Mr. Foster said yes. Mrs. deLeon said that is very nice of you.

Mrs. deLeon said Judy's letter, it appears all her comments have been addressed except the neighborhood protection. Mr. Birdsall said she's just referring to other agencies that have to review it, so we're okay there. Mrs. deLeon said the draft motion, we're repeating No. 5 as it's already in the letters. Mr. Birdsall said it's slightly different wording than the other letters so that's why it was pulled out as a separate condition. Mrs. deLeon said No. 8, it talks about satisfying these conditions within one year, is that legal? Attorney Treadwell said that is fine. The applicant always has the option to request an extension from this Council for another year. The wording is different and says "unless an extension is granted by the Township Council", which it did not say before.

**MOTION BY:** Mr. Horiszny moved for approval of the final land development.

**SECOND BY:** Mrs. deLeon

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

**ROLL CALL:** 5-0

**G. COTTAGES AT SAUCON VALLEY – MOUNTAIN VIEW – SECURITY REDUCTION REQUEST**

Mr. Kern said the applicant is requesting for a reduction of security for improvements that have been completed to date. HEA has done an inspection of the improvements and is recommending that their security be reduced in the amount of \$101,736.60. The amount to be retained is \$387,411.84.

Mr. Horiszny said noticing their escrow is in arrears by \$8,500, why don't we hold that amount too? Mrs. deLeon said good idea. Mr. Birdsall said normally because one is held for letter of credit, it's just not that easy to do. It's almost better to condition your release upon them first giving you the plans and appeals reimbursement and that keeps the books a little bit straighter.

**MOTION BY:** Mr. Horiszny moved for approval of the security reduction request.

**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

**H. O'BRIEN'S FARM – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS**

Mr. Kern said the developer is requesting a four month extension to complete the improvements in this subdivision. HEA and the Public Works Dept. have prepared a punch list of outstanding items to be completed.

**STAFF RECOMMENDATION FOR  
O'BRIENS FARM EXTENSION  
FOR JULY 19, 2006  
LOWER SAUCON TOWNSHIP COUNCIL MEETING**

The Lower Saucon Township staff recommends that Township Council approve an extension until November 19, 2006 for completion of improvements at the O'Brien's Farm Subdivision. 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 remain in full force and effect until project completion to the satisfaction of the Township Solicitor.
3. The owner shall pay an outstanding plans and appeal account invoices owed to the Township.

Mr. Kern asked if anyone was present representing O'Brien? No one was present. Mr. Birdsall said there was a punch list. It's not got anything to do with safety, health and welfare. These are cosmetic things, but also because of the age of the road now, there are starting to be signs of cracking. They are causing additional work on it because of them not finishing. We are recommending the extension to allow them time to do that.

Mrs. deLeon asked if it was sent in for liquid fuels money? Mr. Birdsall said it has not been sent in. The normal deadline is October. That's a very good point. Mr. Birdsall said they should have a condition that they are obligated to pay for this year's liquid fuel as a condition of the extension and we can compute it and have them do a road check. The Township doesn't have to plow the roads until you take the roads over. If they are not done by November, they will be back here talking to you, then you can deal with the snow plow issue. It will be brought back in October. The condition would be "they pay one year liquid fuel as a condition of the extension".

- MOTION BY:** Mrs. deLeon moved for approval as stated by the Engineer with the conditions in the memo and No. 4 added.
- 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

**I. SADDLE RIDGE – FLINT HILL ROAD – REQUEST EXTENSION TO COMPLETE IMPROVEMENTS**

Mr. Kern said the developer is requesting a one year extension to complete the improvements in this subdivision.

**STAFF RECOMMENDATION FOR SADDLE RIDGE EXTENSION  
FOR JULY 19, 2006**

The Lower Saucon Township staff recommends that Township Council approve an extension until July 1, 2007 for completion of improvements at the Saddle Ridge Subdivision. 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 remain in full force and effect until project completion or August 1, 2007, to the satisfaction of the Township Solicitor.
3. The owner shall pay an outstanding plans and appeal account invoices owed to the Township.

Mr. Birdsall said we don't have any safety or health issues and they are going to be responsible through this winter, so we're looking at if they are in that stage of taking the roads over in mid-summer of next year and then sending it in for liquid fuels of October 2007.

**MOTION BY:** Mr. Kern moved to approve based on the HEA memo of July 19, 2006 with the three conditions.

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

**ROLL CALL:** 5-0

**IV. TOWNSHIP BUSINESS ITEMS**

**B. KEY LOCK BOX (KNOX BOX) ORDINANCE – AUTHORIZE ADVERTISEMENT**

Mr. Kern said at the request of the fire companies and the fire marshal, a key lock box ordinance has been prepared to aid the fire companies in the event of a fire to provide them with emergency access to all portions of the premises. A draft ordinance has been prepared and if Council approves, this should be advertised for a public hearing and adoption.

Mrs. deLeon said there is a memo dated March 28, 2006 regarding the key lock box ordinance and the paragraph about that requiring installation and continued maintenance. She was curious as to why? Chief Lesser said he was given the opportunity to comment and recognized the advantages of the system and didn't recommend that all businesses in the Township be required to install. He didn't offer support for mandating it and he certainly recognizes the advantages, but not as a mandate for every business, but as an option. His recollection of the ordinance is that any new business or any renovation to a business would mandate the purchase and installation of the Knox box. Mrs. deLeon said you wouldn't say the existing businesses would have to do it? Chief Lesser said simply our input was that it not be a requirement for any of the businesses. Mrs. deLeon said for every business? Chief Lesser said they did not recommend it be mandated for any business.

**MOTION BY:** Mr. Horiszny moved for advertisement.

**SECOND BY:** Mr. Maxfield  
Mr. Kern asked if anyone in the audience had any questions or comments? Mrs. deLeon said according to all the memos we got and talked to the Chief of Police and fire people and they sent us letters, are all those ideas incorporated in here? Mr. Cahalan said basically the support for the ordinance. Mrs. deLeon said did it say mandating other businesses? Mr. Cahalan said the language that is the general requirement says "be installed on the outside of all existing buildings contained 5,000 sq. feet or more", so the issue of mandating it is something that

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would have to be discussed with the fire companies. It would be in the ordinance for any new construction. As far as any existing, we'd have to work on how that would be implemented. Mr. Horiszny had a question on the first "WHEREAS" where it says Lower Saucon Volunteer Department, shouldn't it be changed to "Lower Saucon Volunteer Fire Companies". Council agreed.

**ROLL CALL:**

**MOTION BY:** Mr. Horiszny moved to amend his previous motion and say approve with corrections.

**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

**C. UPDATE ON FLOODING**

Mr. Kern said the manager and engineer will update Council on the flooding that has occurred within the Township due to the recent rain events.

Mr. Cahalan said there are two areas that were flooded. There were two incidences up there on the area of the Narrows which was just reopened a short time ago. There's a low spot there where you go over the first hill that has now flooded twice. PennDOT closed the road on both occasions. It has something to do with the fill that was put in there which drains slowly and PennDOT was out there looking to improve the drainage in that area. Mrs. deLeon asked what if they put stone in the drainage ditch to slow down the water flow? Mr. Cahalan said he knows they used stone for the fill, he's not sure if they put it into the ditch. Mrs. deLeon said it's still flooding, can we look at that and let PennDOT know it may need to be adjusted? Mr. Cahalan said he thinks they are aware of it as they were out there looking at it to make the improvements.

Mr. Birdsall said the Meadows Road area – one thing in the Meadows was there was some road closure because of the creek overflowing. On Meadows Road downhill from the Meadows Subdivision, there were washouts and flooding conditions that occurred there. Some related to soil erosion control problems and some related to just the amount of water that was coming down. The other subdivision and land developments, they were ongoing in the township. The Cottages had some problems during the storm event. Both the Cottages and Meadows people jumped on their repairs pretty quickly and addressed the soil erosion control issues. The park did not experience any problem other than just some internal problems. With regard to Long Ridge, they experienced some water problems that they are also repairing at this time. Out of all the four developments, they see short term problems that were remediated right away, but we also see there is long term damage occurring along the edge of the road and they've written letters to the developer (concerning Meadows Subdivision) with regard to those and expect performance in the way of a redesign of the outlet structure, not so much the structure of the pond, but where it leaves the headwall and travels down the road. We believe it is not going to be a design that is going to hold up long term. They are looking for the developer to address the long term problems associated with what is becoming damage to public property along the south shoulder of the road.

Mrs. deLeon said they are going to redesign the outlet and that's a short term thing? Mr. Birdsall said the short term, they addressed immediately. They restabilized their fences. Jim Lawrence came out and looked at it. They are responsible for the stone around their catch basins and cleaning up around their catch basins at the low point and they are doing that several times during the rain events. This is part of their ongoing maintenance and they will have to continue to do that. The long term would be both the improvement of something to get the energy of the water broken between the rocks they have at their outfall structure and the edge of the shoulder of our road. That's step no. 1. Step no. 2 is offsite where they tried to encourage them during the planning

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process to address the offsite conditions. They refused even before Toll Bros. was involved claiming they couldn't be forced to do offsite improvements. HEA said maybe you can't be forced to do offsite improvements, but if you create any damage downstream, you're going to be responsible. There are agreement provisions in the developers' agreement to address this the best we can legally, and they've started that process. Mrs. deLeon said when we approve subdivision, we expect the design to be the best design possible for that site. Her fear is when they are gone, who is responsible for maintenance? Mr. Birdsall said ultimately the homeowner will be responsible for that pond. During the time of your full construction and the 18 months after the construction, the developer is responsible.

Mr. Kern said how willing are they to redesign the catch basin? Mr. Birdsall said they are going to be looking at all of those things. Mrs. deLeon said we need to stay on that and keep it open on our agenda. Mrs. Yerger said can we ask for a response date and asked for an answer by a certain time. Mrs. deLeon said we can do both. Mr. Birdsall said we can let them know when our next meeting is so that they can prepare a response to us.

Mr. Birdsall said if we could ask Linc to look at the agreement and see if they do not make this deadline, what enforcement action we can start to take even before the next Council meeting. Maybe we can ask for a Council vote to put the August 2 date on it with the authorization for the Attorney to take action if that August 2 date is not complied with. The point he wants to make is especially since we have four weeks between the meeting, he'd want to know that we could start taking some sort of action, whether it's withholding building permits or if they come in for additional release, so if Linc could start looking at various options we might have. Attorney Treadwell said he can look at that. What's the name of the subdivision? Mr. Birdsall said Meadows Subdivision Toll Bros. Mrs. deLeon said since Council only meets once in July and August, couldn't you as a staff and Jack as the Manager, be able to take some kind of enforcement action without Council's blessing? Attorney Treadwell said technically, that's correct, however, they like to bring it back to Council for their opinion.

**MOTION BY:** Mrs. deLeon moved we send a letter to the developer and tell them this is going to be on the Council agenda of August 16, 2006 and they need to respond by August 1, 2006 with their proposal to correct the situation and direct the Solicitor to take enforcement action according to their agreement if warranted between now and the meeting.

**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

Mr. Maxfield asked if it was DEP that allows detention pond outlets to be so close to property or public roads? Who determines those setbacks? Mr. Birdsall said you have discretion to set those setbacks by ordinance. He doesn't know of any state or county regulation that would control that. We have some setbacks in the earth disturbance ordinance that setback was actually changed after the Schmidt thing. He doesn't even think the lot grading ordinance existed when this was first submitted, so that wouldn't have governed. The SALDO ordinance at that time, we can check what it said and we can report as to what it says today. Mr. Maxfield said he's seen ponds proposed that are way too close to the road. He'd like to ask we investigate doubling the setback. Let's address the storm water issues upon site instead of someone else addressing them. Mrs. deLeon said that's a great idea. Mrs. Yerger said can we look at the alignment so it's not coming perpendicular to the road. Mr. Birdsall said some of these issues are addressed in the SALDO draft being reviewed by staff and they'll make sure they are addressed.

Ted Beardsley, resident, said at the last storm, he emailed everyone with pictures. The response he got from Jim Lawrence from the Conservation District was that this was an acceptable amount of

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sediment. If you saw those pictures, the road was completely brown. Mr. Birdsall said this is a difficult issue. With clay soils, you will have brown water after rain. There's no amount of settling other than direct infiltration back into the ground. What the detention basins or sediment traps and basins are intended to do is trap as much dirt as possible. Other than having detention times of days and days or a actual filter that the water must go through before it goes out into the stream, it is going to be a milky color and there's no getting around that. It'll be opaque. Mr. Beardsley said he's seen a lot of variance requests go through for people who want to put in swimming pools. They are looking for impervious coverage variance. He thinks that every time one of those gets approved, it's putting him a couple inches closer to a flood. If people can't have a pool, it's not a hardship. If they want a pool, buy a bigger lot that will accommodate a pool.

Mr. Hawk said he doesn't have a problem with the color of the water. We're just getting an awful lot of runoff from that development. He put up with a lot of flooding from the creek. Then we get muddy water. Now, the creek didn't go over last time, but the water in his yard was all from runoff down Meadow's Road, which never in the 50 years he's been down there, has something like that happened. What does he do? He cleans it up one day and two days later it's back the way it was as it comes down there like a river. There's something wrong up there. Something has to be done. If it's allowed to stay the way it is, it's going to be for the rest of his life putting up with this. He's getting hit with both ends.

Mr. Maxfield said would it make any sense to look into a multiple pond situation or a different kind of pond where we can have a settling pit for that sort of thing? Mr. Birdsall said the pond that is there does drop the sediment out. Material that will be there a couple of days later, so you either have to have a permanent holding pond. Then even then when you pump it out to draw down for the next storm, you have to pump it into a bag and even sometimes when you pump it through a bag, it's a little bit milky when it comes out. A double pond could be looked at. When you get into the actual calculations of the settlement basins, the DEP and conservation district take control of that. It's been battled very hard in both directions and committees have looked at that sort of thing for hours and hours. Mr. Horiszny said their problem is not milkiness, it's just washing away grass seed and things like that. What if you came up with digging it deeper? Mr. Birdsall said the pond would have to be designed to be deeper, which would be hard to do it now. The basin up by Route 22, some are permanent basins and it's a different design. Usually in a residential neighborhood, it's a little bit scary as it's considered a safety factor. If the water in the pond is two feet, it would then need a fence.

Allan Johnson, resident, says from what he's heard, the only problems in the township were at two locations due to the rain. Is that because you don't know of a problem unless someone complains about it? Mr. Kern said that's one way. Mr. Cahalan said normally we hear about it from the Police or Public Works or PennDOT. Mr. Birdsall said after each storm, they make the rounds of all the subdivisions. Mr. Johnson said at the intersection of Lower Saucon Road and Easton Road, there's an east branch of the Saucon Creek that flows under a bridge right after you get off Easton Road onto Lower Saucon Road turning southbound. That stream overflows on the road when there's a big storm. The storm we had two years ago, Ivan, that stream flowed over the road with such ferocity that it picked up a pickup truck and sent it down into the woods. It also happened to another lady. The people were screaming and people in the area helped them as they were hanging on trees. The storm we had a couple of weeks ago, fortunately no one was swept away, but it did over flow on the road again. The least that can be done is the police should be out there watching that spot and if any water is flowing over the road, they should put up horses and lights to prevent people from going down that road. The police should be monitoring these things. It's a dangerous situation. Mr. Cahalan said that's a PennDOT section of road and they are responsible for the maintenance of it. Mr. Maxfield said they did complain to PennDOT about that section of the road. Mr. Johnson said the stream comes down and makes an abrupt right angle turn. When we have a big storm and the water is gushing down, it fills up that guy's yard on the east side of the road. At

the same time, it flows over into the people's yard that flows down the street from Sandy. They have a fence in their yard about 3 feet high with wire mesh and you can see the fence is clogged with debris. He can't believe these people never complain. Because all the tributaries meet there, it just happens to overflow and flood those people's yard. That house is in a flood plain. Mr. Birdsall said get somebody to pay for building a wider bridge and then you push more water more rapidly down hill. You'd have to look downhill also to see if there would be minor additional flooding. The Township does not have a responsibility on that particular bridge. Mr. Maxfield said strange things happen with the East Branch. Mrs. Yerger said the one on the southeast corner has spent a good part of its life under water anytime we have heavy rain as its low lying. She lives with the creek jumping their private bridge. She had enormous gas cans, tires, planking in her yard. She knows what that creek does. Mr. Maxfield said you can't blame development for that as very little has happened upstream.

Mrs. deLeon said the Meadows Subdivision, we have a right to have that developer get it fixed. Mrs. Yerger said she does see validity in having the police department go out and patrol Easton Road and Lower Saucon Road. There should be a list of roads prone to flooding and they should all be checked and looked into. Mr. Cahalan will address this with Public Works and the Police Department.

Gerry Holum, resident, 1789 Meadows Road said he was before council last September. At that time he was given a recommendation that they can't do anything, but he should continue to monitor and call Jim when you have problems. At that time the pond was not being energized. Within the last month or two, that storm water system has been energized. As a result of that, there are greater problems on Meadows Road. In addition, he has a personal problem with his property as he's getting water damage. He never had water come across his property before. Now he's having water coming across. This is not small amounts of water. These are forces of water. Every time this occurs, he calls Jim and Jack and Priscilla indicating such. On the last occasion, he had water damage so severe, that it knocked down a 35 foot high Walnut tree and fell across a new fence he just built. That damage is about \$1,000. It's becoming a safety, health and welfare issue. He envisions the water freezing there in the winter. Another problem he has is the emergency spillway. He envisions that being another problem in the near future. If it's activated, that water has no place to go downstream, and downstream is right down his driveway and right into his house and his barn. He's getting no relief from anyone. Mrs. deLeon said they had talked about putting this on the August 16 agenda, and if they could have a section of the map showing these devices and the relationship of coming out of the road, going down the hill, just so we can get a visual type thing. Mr. Holum said the straw bales are a short term solution. That pipe is 15" coming out. The pipe going into the pond is 21". It only has one place to go – emergency spillway. Mr. Maxfield asked how high it has to crest before it goes over the emergency spillway? Mr. Birdsall said the numbers are on the plan. It's quite deep. Mr. Maxfield said we were talking earlier about reducing the pipe size, are we going to endanger spill over? Mr. Birdsall said he never mentioned reducing the pipe size. The orifices in the box are smaller than the 15", so the 15" would not be the control. There are orifices inside the box that would be the control. The riser up to the spillway is probably 6 or 7 or 9 feet, so it's a pretty deep amount of water before it would get to the principal spillway which is the inlet on top of the concrete box. That would be slightly lower than the grass spillway. If it got that high, it would first go into the inlet box, and then go out the 15" pipe and then the 15" pipe would be more fully utilized. If that couldn't handle it, it would start to go over the spillway. What he is asking their engineer to look at is not the inlet structure in the pond, the depth of the pond, or anything else, but he's asking him to look at once it leaves that 15" pipe, and goes out. Their engineering design was supposed to be sufficient that the water was spread out so it didn't shoot water out on to the road. We are now seeing it is not working and not sufficient. The device that controls the water outside the pond from the 15" pipe to the shoulder of the road has to be all rethought with some new device that is structural and permanent, no straw bale with filter fence. Mr. Holum said the distance of the out flow pipe is only about 15 to 20 feet.

If we see the 15", you are going to see a force of water coming out there and going down Meadow's road and then over the spillway. The water puddles up at the old RR track.

Mr. Birdsall said the short and long of a solution is a pipe, a pipe from someplace to someplace. Jack, Roger and Mr. Birdsall will be meeting on what the township would be wanting to demand of the applicant if the applicant doesn't come forward. There's no easy solution. The Cadillac is a pipe directly to the creek, and that is something that is going to have to be weighed as an environmentally sound solution or at least convey it down to the old race way. He's not sure if the race way is open further down. It's been sort of blocked up. Mr. Holum said the idea you should look at is exactly what happened in the past. It wasn't the volume that it is now. Where the water was going at that time, was the south side of Meadow's Road at the point of the old RR track. That whole area is all gummed up now. There's trees, debris in there. If that was opened, and cleaned up, it might be one answer that is not going to cost you a lot of money. Mr. Birdsall said the bottom of the road would be in the Septa right-of-way, and he doesn't know if we would need permission from them to get in there since it's opening an existing drainage way along a public road. Certain improvements we probably could do without contacting Septa. Mr. Holum said opening the pipe would create more water for him than he ever had before in 20 years. The pipe Mr. Birdsall is talking about that runs under Meadow's Road. Mr. Birdsall said he never said there was a pipe under Meadows road. Other people have, and they looked through some of their records and there wasn't a pipe there. There used to be more of a dip there. Roger didn't remember a pipe either. Mr. Grant said he saw them take the pipe out. Mr. Birdsall said even if we put a pipe back in, it's just going to take more water faster into Mr. Holum's property. The first step would be to clean out to the south. Mr. Holum said it will not be that expensive to give it a shot and would take water away from Ted and from Grant. You'd have more of a reservoir for water and deplete more back into the water table.

Mrs. deLeon asked who would be responsible for Mr. Holum's property damage? Attorney Treadwell said it's a civil matter between the property owners. Mr. Holum said they replied to him and their position is it was an Act of God. Mr. Birdsall said he did see a letter later which seemed like they were going to restudy that issue.

Mr. Kern said let's go ahead and clean that area out and see how that works. Mr. Maxfield said maybe look into the race way, with modifications to it, as it did work at one time. Maybe that would be a way to convey it. As you walk down from the RR track, there are some stone structures to the right hand side, that's where it was. We should just examine it. Mr. Beardsley said it goes where his mailbox goes, and under the bridge. It goes 100 feet and it's blocked off. There used to be a dam on the border of the Meadow's property and his property which raised the water up to get it into the raceway. Mr. Maxfield said then forgot about that idea.

Mr. Kern said we should authorize the Public Works Department to clear out that section that Mr. Holum is referring to. Mr. Cahalan said they will be meeting with Roger and Jim and talk about it. Mr. Holum asked about a headwall. Mr. Birdsall said you can't have an obstruction close to the road that a car would hit. Maybe a trough will have to be put in. They'll discuss, with the applicant, the idea of shifting the spillway away from Mr. Holum's driveway.

**V. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF JUNE 21, 2006 MINUTES**

Mr. Kern said the minutes of the June 21, 2006 council meeting have been prepared and are ready for Council's review and approval.

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Mr. Horiszny said page 9, line 18 through 28 refers to Heritage, but it never does say Heritage Conservancy. On page 12, line 37 and 38, it says “they’ll”, it should be “there will”. Page 12, line 53, the very last word should be “chain”. Page 15, line 3, it should be “Mr. Kern”. On Page 21, line 6, it should be “LUPAP”. Mrs. deLeon said in that same sentence, she is Vice Chair, not Chair.

**MOTION BY:** Mr. Horiszny moved for approval of the June 21 minutes, with corrections.

**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. APPROVAL OF JUNE 2006 FINANCIAL REPORTS**

Mr. Kern said the June 2006 financial reports have been prepared and are ready for Councils approval.

Mr. Horiszny said on Pennies for the Park, it’s \$4,100, if we’re not going to use that until 2008, is there a way to put that into a CD? Mr. Cahalan said it’s just an account and is carried along from year to year, but he could look into that.

Everyone liked the new format of the financial statement.

**MOTION BY:** Mr. Horiszny moved for approval of the June 2006 financial reports.

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

None

**VII. COUNCIL AND STAFF REPORTS**

**A. COUNCIL/JR. COUNCIL**

**Mrs. Yerger**

➤ She said July 27, the EAC is having their presentation by Mike Frank and Terry Clemons on the open space referendum. It’s at 7:00 PM here at the Township. It’s a presentation and a workshop.

**Mr. Maxfield**

Nothing to report

**Mr. Horiszny**

➤ LSA met last night and they have decided on their strategic items for the next couple of year and added some additional financial controls regarding bank stability and capitalization guidelines. They had a main break on Black River Road and line damage with an accident on Bingen Road.

➤ In the July issue of the PA Township news, on page 20 there is a article about minutes.

**Mr. Kern**

Nothing to report

**Mrs. deLeon**

- She said she went to the dinner on June 20 for the conservation districts. She has a loose leaf with her filled with all sorts of things. She has a copy for the township.
- In our one packet, we got the Act II notice of intent to remediate for Bethlehem Majestic parcel which is on Applebutter Road. She's been always asking about the pollution underground and the people on Easton Road, is this the time to worry about this with this notice? Mr. Birdsall said absolutely. You can officially say you want to participate and have a public plan developed. Mr. Birdsall will prepare a draft for Jack and Linc's review. Mr. Maxfield said one thing they mentioned in their letter was the intent for the site was industrial. When they were before us years ago, they said their intent was warehousing, which he wouldn't consider heavy industrial. They said they would limit traffic to Easton Road to a minimum and we should hold them to that one also.

**B. TOWNSHIP MANAGER**

- He said Tom and the EAC asked them to look into acquiring GPS equipment that could be used by staff and by the committees like the EAC to collect more data for our GIS mapping in the township. We employ Craig Kologie as our GIS Consultant. They have been working with us for the past two years. We have put a lot of data on our GIS system, and there are other things we can add to. Before tomorrow nights, PC meeting, at 6:30 PM, Craig Kologie is going to talk about the GIS system. Craig showed them the equipment they should acquire to do what they want to do. He put us in touch with Keystone Precision Instruments and they came yesterday and did a little demonstration on the type of equipment they would need to be able to give it to the Public Works and EAC to take out into the field to collect data. They went into this as cooperative effort with LSA and Hellertown Borough, thinking if we acquired a receiver, then they could acquire the additional equipment they needed to use with the receiver which they could borrow when it's not being used. Hellertown is not in a position right now to join in. The LSA will be willing to put up some money to buy their equipment to utilize the GPS equipment. We're looking at a GPS comparison unit. They recommended that we purchase the GPS receiver, a hand held model which can be carried out on to the field. There's a range pole and range pole bracket that goes with that. That enables someone to go out and log in the data into the GIS system. Then with that data, they come back to the office and download that into our computer system. That required some additional software and cost us about \$2,600. In order to go out with a hand held computer, you need a PDA which we could pick up at Circuit City for \$500. They are looking at a total of \$6,672 for them to acquire the GPS equipment. LSA and Hellertown later on would possibly have to buy their own software later on to use LST's receiver. He would ask for approvals to use funds out of the general funds contingency account not to exceed \$7,000.

**MOTION BY:** Mr. Horiszny moved for approval to use funds out of the general funds contingency account not to exceed \$7,000.

**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

**C. SOLICITOR**

- There are two samples ordinances on ATV's and noise, so take a look at them and see if you like either one of them.

**D. ENGINEER**

- They got the IESI minor permit modification that is for the BRE proposition and it's one of the permits they have to jointly go through that's been distributed for the staff review. The

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review is going to have to go out at a staff level before your next meeting. It's basically technical and they have already been given instructions on what we should be looking for and pushing for. They'll be reporting back to Council back on that. The deadline is August 12 for response to the City.

- 537 from the City, response to the township, HEA got the letter in draft circulation for Council to see before it goes out.

**VIII. ADJOURNMENT**

**MOTION BY:** Mr. Horiszny moved to adjourn. The time was 12:17 AM.

**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:

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Mr. Jack Cahalan  
Township Manager

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Glenn Kern  
President of Council