

I. OPENING

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

REVISED*

II. PRESENTATIONS/HEARINGS

- A. Resolution #83-2015 – Honoring Minnie Poulton on her 108th Birthday *

III. DEVELOPER ITEMS

- A. Silver Land Group (Silver Creek Country Club) – Vicinity of Reservoir/Durham/Wassergass Roads

IV. TOWNSHIP BUSINESS ITEMS

- A. Zoning Hearing Board Variances
 - 1. Louis Mahlman – 3598 Strauss Avenue – Variance to Permit a Detached Accessory Apartment from the Principal Structure
 - 2. John & Susan Blair – 3590 Route 378 – Variance from Side and Rear Yard and Parking Setbacks
 - 3. Ronald & Nina Bracalente – 1830 Old Mill Road – Variances from Floodplain and Zoning Ordinance and Impervious Coverage to Construct Patio, Pool, Lap Pool, Outdoor Living Area, and Walking Area*
- B. LVIP 7 Traffic Discussion
- C. Authorize Advertisement to Obtain Bids for Public Works Roof Repair
- D. Hellertown-Lower Saucon Chamber Board Member Ballot
- E. Approval of 2016 Minimum Municipal Obligation (MMO)
- F. ~~IESI Bethlehem Landfill – Applebutter Road – Discussion Regarding Township Consultants’ Review of Special Exception*~~

V. MISCELLANEOUS BUSINESS ITEMS

- A. Approval of September 2, 2015 Minutes
- B. Approval of August 2015 Financial Reports

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

VII. COUNCIL & STAFF REPORTS

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

VIII. ADJOURNMENT

Next Zoning Hearing Board Meeting: September 21, 2015
Next Planning Commission Meeting: September 24, 2015
Next Saucon Rail Trail Oversight Commission Meeting: September 28, 2015 @ HB
Next Park & Rec Meeting: October 5, 2015
Next Council Meeting: October 7, 2015
Next EAC Meeting: October 13, 2015
Next Saucon Valley Partnership: November 11, 2015 @ LST

I. OPENING

CALL TO ORDER: The General Business & Developer meeting of Lower Saucon Township Council was called to order on Wednesday, September 16, 2015 at 7:04 P.M., at Lower Saucon Township, 3700 Old Philadelphia Pike, Bethlehem, PA with Mr. Ron Horiszny, presiding.

ROLL CALL: Present: Ron Horiszny, President; Thomas Maxfield, Vice President; Dave Willard and Priscilla deLeon, Council members; Jack Cahalan, Township Manager; Leslie Huhn, Assistant Manager; Linc Treadwell, Township Solicitor; Judy Stern Goldstein, Township Planner; and Kevin Chimics, Township Engineer. **Absent:** Glenn Kern, Council Member.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF ANY EXECUTIVE SESSION (IF APPLICABLE)

Mr. Horiszny said Council did meet in Executive Session prior to tonight's meeting. Attorney Treadwell said the topics were the pending Louder litigation and negotiations with the non-uniformed employees.

PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Mr. Horiszny said if you are on the agenda, you have Council and Staff's undivided attention. If you do choose to speak, we ask that you use one of the microphones. He asks that you give your fellow public the courtesy of the floor. We ask that you state your name for the record so the transcriptionist knows who is speaking in the minutes. If you are up at the table, please speak into the microphone.

II. PRESENTATIONS/HEARINGS

A. RESOLUTION #83-2015 – HONORING MINNIE POULTON ON HER 108TH BIRTHDAY

Mr. Cahalan read Resolution #83-2015.

MOTION BY: Mr. Horiszny moved for approval of Resolution #83-2015.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Mr. Kern – Absent)

III. DEVELOPER ITEMS

A. SILVER LAND GROUP (SILVER CREEK COUNTRY CLUB) – VICINITY OF RESERVOIR/DURHAM/WASSERGASS ROADS

Jim Preston, Attorney; Dave Spirk, Principal; and Scott Mease, Project Engineer were present. Attorney Preston explained that they made some changes to allow the development of this property with a residential use. The theory being they would take what would be a by-right yield of the property in terms of density, but would collect, gather and allocate the three separate locations and then would be able to preserve and protect in perpetuity the remainder of the land as open space. They would be asking for permission to work with your staff, then go to the P/C. They would come back to Council with comments from both sides. Mr. Spirk said they are trying to preserve the golf course and country club. Their goal is to look at the entire density and the current zoning regulations and how they can cluster that.

Mr. Mease said it's a golf course and they need a zoning amendment to provide for the residential housing. Mrs. deLeon said you stated you would be able to build 125 homes. Mr. Mease said they came up with a site capacity of 180 homes and they are proposing 125. Mrs. deLeon said in order to cluster you need to have open space somewhere and the rest of your open space is the golf course. That's not giving us anything more than any other cluster subdivision. This is impacting our residents and you want to change the zoning. Mr. Mease said this is an R40 zone. Mrs. deLeon said we have to think of the domino effect on the other R40 zones and she had concerns about how much woodlands they are getting rid of. Mr. Mease said they will be in compliance with what they are allowed to disturb.

Mr. Joe Sofka, 2015 Wirth Road, said there are seven homes on his road and it's a dead end. He was concerned how close these homes would be to his home. Mr. Sofka said there are turtles

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living and breeding there. Mr. Mease said they would be 25' from Mr. Sofka's property line and it would only be used as an emergency exit if they would need it.

Mr. Maxfield asked about the area Mr. Sofka was talking about, what do you gain by clearing out the forest in that area? Mr. Mease said the southerly area there's no impact on natural resources whatsoever. There is a steep slope impact. The area Mr. Sofka was referring to, would still be a wooded area. Mrs. deLeon said in the January book, there were woods and in the book now there are no woods. Mr. Maxfield said you haven't provided language for the proposed zoning it isn't a zoning change, it's tied to the golf course use. Attorney Preston said it's a text amendment that supplements the zoning.

Mr. Willard said he agrees on the need on this type of housing and the demographics. He doesn't think Council will be making any decision on a marketing brochure and they need more engineering, legal and ordinance information to consider this any further. He's happy to make a motion to refer them to our staff for further study.

MOTION BY: Mr. Willard moved that the Silver Land Group be referred to the LST staff for further study.

SECOND BY: Mr. Maxfield

Mrs. deLeon asked if they have any plans to research and document the historic value of the barn. Mr. Spirk said they will do that. She asked where the maintenance buildings would go? Mr. Spirk said into the Hellertown property near their pool. Mrs. deLeon asked about rec fees? Ms. Stern-Goldstein said if they are new dwelling units, it's for each new unit. Mr. Sofka had concerns about the water and sewer setup. Mr. Maxfield said no sewer will be approved without the consent of Council.

Patricia Siemiontkowski, 2022 Wirth Road, said she's heard about no adverse or little adverse impact on the golf course, and has anyone thought about the adverse impact of the residents of Wirth Road.

Kate Griffiths, New Jersey Avenue, is concerned about the whole development, including trees being taken down and traffic. Mr. Spirk said he's been in conversation with Hellertown Borough and they would like to see New Jersey Avenue upgraded. Mrs. deLeon said the Hellertown officials said you took it off New Jersey Avenue. Mr. Spirk said if the P/C or Council doesn't feel the emergency access is needed, they won't put it in. Ms. Griffith asked what if you build this and the club fails? Mr. Spirk said it would remain open space. Mr. Spirk said SALDO is going to require a traffic impact study. Mr. Spirk asked if they wanted to see the proposed draft come back to Council prior to it going to the P/C? Mr. Willard said yes.

MOTION BY: Mr. Willard amended his previous motion and moved to refer the Silver Land Group and Silver Creek Country Club project development to our LST staff for further study and to have the staff confer with the Borough of Hellertown, as needed.

SECOND BY: Mr. Maxfield amended his second

MOTION BY: Mr. Willard amended his previous motion and moved to refer the Silver Land Group and Silver Creek Country Club project development to our LST staff for further study and to have the staff confer with the Borough of Hellertown, as needed, and that it come back to Council before it goes to the P/C.

SECOND BY: Mr. Maxfield amended his second

ROLL CALL: 4-0 (Mr. Kern – Absent)

**IV. TOWNSHIP BUSINESS ITEMS
A. ZONING HEARING BOARD VARIANCES**

1. **LOUIS C. MAHLMAN – 3598 STRAUSS AVENUE – VARIANCE TO PERMIT A DETACHED ACCESSORY APARTMENT FROM THE PRINCIPAL STRUCTURE**

Mr. Lou Mahlman was present. He'd like to convert his two-car detached garage into a cottage for him and his wife. His son and his growing family would move into the house.

Mrs. deLeon said her only concern is about what happens after the situation changes and it's sold? Ms. Stern-Goldstein said there's something that Chris would put on the building permit that the kitchen would have to be removed so it's no longer functioning as a separate dwelling. Mr. Mahlman said he would need a separate electricity hookup. Mr. Willard asked where would you park your car? Mr. Mahlman said he outside the garage. Mr. Maxfield said you are required to have four off street parking spaces. Mr. Mahlman said they've created a parking area they've been using that for the past six or seven years. Council took no action.

2. **JOHN & SUSAN BLAIR – 3590 ROUTE 378 – VARIANCE FROM SIDE AND REAR YARD AND PARKING SETBACKS**

Mr. Blair said they are proposing to put up a building south of his office. There's a brick house that would be taken down. The building would be a combination of office and warehouse/storage space. They are asking for some relief on the rear of the north side. They are asking for one relief of a parking spot and to convert an existing dwelling into a new commercial use. Council took no action.

3. **RONALD & NINA BRACALENTE – 1830 OLD MILL ROAD – VARIANCE TO CONSTRUCT PATIO, POOL, LAP POOL, OUTDOOR LIVING AREA, AND WALKING AREA**

Mr. Bracalente was present and said they want to expand their patio. He went over the history of his property as well as the floodplain history and said with all the bad storms, the flood level never reached anywhere close to their basin. He said the riparian buffer was increased so their existing patio and a portion of their home is in the riparian buffer and this is the second variance. The third variance is a pervious calculation. They conserved the land across the stream as they don't want any housing over there.

Mr. Horiszny said the original submittal had a pool, was that removed? Mr. Bracalente said they had a discussion with Chris Garges, and they would like a pool, but it's a unique property and they want to make it work.

Mrs. deLeon asked when the new FEMA regulations came out? Ms. Stern-Goldstein said March of 2014. Mrs. deLeon asked if that applies to all properties and Ms. Stern-Goldstein said yes, except for the relief that's in the floodplain ordinance which puts them before the ZHB. Mrs. deLeon is very concerned about altering or letting somebody not follow the FEMA regs.

Mr. Maxfield said when you first built your house, we did not have riparian corridors. We've gone through several major storms and we've gotten smarter in thinking about anything we build in the floodplain that affects not just you, but your downstream and upstream neighbors also. He's going to follow the general rule, and absolutely nothing goes into the floodplain. This will just extend the problem and he can't support this.

Mr. Bracalente said there is zero impact to what they are doing. It's not fair for the Council to penalize him for something that didn't happen yet.

Mr. Bracalente said they met with Chris Garges on Monday to talk about the plan that has the pool shown on it and that's the plan submitted with the application. Ms. Stern-

Goldstein said to calculate what the maximum impervious is, you have to look at the whole site and subtract the conservation easements, but when you look at the impervious calculations, every bit of impervious on the site is counted as part of his impervious surface. Ms. Stern-Goldstein said he's over. There was continued discussion regarding mitigating what they are doing in the floodplain in other areas of the property.

Attorney Treadwell said the question that Council needs to answer tonight is if the applicant can satisfy either Boucher & James or Hanover, that what he wants to build can be mitigated and would you have a different position of nothing being built in the floodplains? Mr. Maxfield said he would encourage them to do the infiltration because if his prediction is right, the floodplain is going to keep going up.

Attorney Treadwell said if you put the ZHB off for another month in order for Mr. Mease to work with Boucher & James and Hanover, and then come back to Council when you are ready. Mrs. deLeon said they also have to amend their application. Attorney Treadwell said you don't need to take any action tonight if they are not going to the ZHB. Mr. Bracalente said they will amend their application.

B. LVIP 7 TRAFFIC DISCUSSION

Mr. Cahalan said this follows a discussion Council had at the previous meeting with a presentation given by Jim Milot on the traffic study. There were some concerns about the traffic impacts and there was a discussion at the SVP meeting on September 10th.

Mrs. deLeon said it was agreed by all to send a letter to the City of Bethlehem requesting we participate in all future discussions regarding the development. We need to take it back to the school district, Hellertown Borough and the Council for approval from each of the partners. She's recommending we approve sending a partnership letter to the City requesting participation in all future LVIP 7 traffic issues.

- MOTION BY:** Mrs. deLeon moved for approval to send a Saucon Valley Partnership letter to the City of Bethlehem requesting participation in all future LVIP 7 traffic issues.
- SECOND BY:** Mr. Maxfield
- ROLL CALL:** 4-0 (Mr. Kern – Absent)

Mrs. deLeon said also discussed was if Hellertown Borough had any issues with us using their engineering firm, Barry Isett and they said go ahead, but we would have to pay. We could have them come here and give a presentation or do a RFP to get another engineering firm.

- MOTION BY:** Mr. Maxfield moved that we do a RFP and open it up to other engineering firms.
- Attorney Treadwell said if you do an RFP, you are 30 to 60 days out.
- SECOND BY:**
- ROLL CALL:**

Mr. Maxfield said he's worried about the time, so he rescinded his motion. Council asked Mr. Cahalan to get in touch with Barry Isett.

C. AUTHORIZE ADVERTISEMENT TO OBTAIN BIDS FOR PUBLIC WORKS ROOF REPAIR

Mr. Cahalan said they discussed this at budget time and put in funds for the replacement of the roof at the PW garage. There's a letter from a roofing company indicating the work to be done and the estimated cost. They are asking for Council's authorization to prepare a bid package and advertise for this repair work.

- MOTION BY:** Mr. Maxfield move to authorize advertisement to solicit bids for repair work to the Public Works garage roof.
- SECOND BY:** Mr. Horiszny
- ROLL CALL:** 4-0 (Mr. Kern – Absent)

D. HELLERTOWN-LOWER SAUCON CHAMBER BOARD MEMBER BALLOT

Mr. Cahalan said this requires a vote and the Township is a member of the Chamber.

MOTION BY: Mrs. deLeon moved for approval to vote for the seven candidates listed on the ballot.
SECOND BY: Mr. Willard
ROLL CALL: 4-0 (Mr. Kern – Absent)

E. APPROVAL OF 2016 MINIMUM MUNICIPAL OBLIGATION (MMO)

Mr. Cahalan said this is for the non-uniform and the police pension plans. Annually the actuary prepares the MMO and we present it to the Pension Advisory Committee. It will be included in the upcoming budget discussions and Council will approve this for the 2016 budget. For the non-uniformed plan the amount is \$83,613.00 and the uniformed plan is \$289,892.00, which would leave a Township payment to the two plans of \$173,542.67 which the taxpayers pay to fund our pension plans.

F. IESI BETHLEHEM LANDFILL – 2335 APPLEBUTTER ROAD – DISCUSSION REGARDING TOWNSHIP CONSULTANTS’ REVIEW OF SPECIAL EXCEPTION

Mr. Horiszny said IESI has submitted a Special Exception application for the Southeastern Realignment expansion. Council should determine if the landfill consultants or other special consultants will be reviewing the application. This item will be on the October 7th Council agenda prior to going to the Zoning Hearing Board on October 19th (estimated date).

Mrs. deLeon asked if we still have enough time for the staff to look at this? Attorney Treadwell said the dates are based on our timeline for having the hearing. It’s three weeks until your October 7th meeting, so he thinks that would be plenty of time.

MaryAnn Garber, Legal Counsel for IESI, clarified that the plan set that supports the ZHB application is the same plan set that has been submitted for land development and site plan approval for the Southeastern Realignment and they did submit a revised plan set based on feedback they received from Township consultants on the land development site plan side so it’s that revised plan set that was provided to the Township on September 11th as part of the land development site plan resubmittal.

MOTION BY: Mrs. deLeon moved to authorize our Landfill Consultants review the necessary documents for the Zoning Hearing Board IESI Special Exception application.
SECOND BY: Mr. Maxfield
ROLL CALL: 4-0 (Mr. Kern – Absent)

Mrs. deLeon said they received copies of the original application, but she didn’t receive any revised ones. Ms. Stern-Goldstein said Chris mentioned he was getting reduced sets from the applicant to distribute. Mr. Horiszny said on a recent inspection report, it indicated that Priscilla and Donna Louder want to attend and ride along for all scheduled inspections. Mrs. deLeon said that’s correct, it’s twice a month.

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF SEPTEMBER 2, 2015 COUNCIL MINUTES

Mr. Horiszny said the September 2, 2015 minutes are ready for Council approval.

MOTION BY: Mr. Maxfield moved for approval of the September 2, 2015 Council minutes.
SECOND BY: Mr. Willard
ROLL CALL: 3-1 (Mrs. deLeon – No; Mr. Kern – Absent)

B. APPROVAL OF AUGUST 2015 FINANCIAL REPORTS

Mr. Horiszny said the August 2015 financial reports are ready for Council approval.

MOTION BY: Mr. Horiszny moved for approval of the August 2015 financial reports.
SECOND BY: Mrs. deLeon
ROLL CALL: 4-0 (Mr. Kern – Absent)

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VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

- Ms. Kareen Bleam, 4289 Fritz Avenue, said she was concerned about sewage running out to Riverside Drive, and trees that aren't cut back at stop signs. She wants to know who is responsible at the Township as she told a Police Officer about this and he said it's up to the Township. Mr. Cahalan said all the issues Ms. Bleam mentioned, she has gotten responses back from staff and the Zoning Officer. It's a combination of the police, of the residents who call in and report it, and it's the Zoning Officer. If they see an obstruction, it's reported and addressed. He will remind the Police Officers to report any obstructions that are a danger to motorists.
- Ms. Bleam said at the last meeting, they said the Steel City Park is closed. Mr. Cahalan said there was a sign put at the Steel City Park which he read stating the park will be closed to the public until 2016.

VII. COUNCIL & STAFF REPORTS

A. TOWNSHIP MANAGER

- Mr. Cahalan said there were instances of vandalism at the Reading Drive trailhead. He's directed the Police and Public Works to install video surveillance at strategic locations on the trail.
- Mr. Cahalan said Hellertown Borough has requested a support letter to Monroe County for a bicycle lane that will come out of the center of town along Water Street, go over the newly constructed bridge across the Saucon Creek and connect to the pathway at the Saucon View apartments. He has a draft of the letter to send to Hellertown Borough.

MOTION BY: Mr. Maxfield moved to send a support letter to the Hellertown Borough Manager.

SECOND BY: Mrs. deLeon

Mrs. deLeon asked if LST could send in anything for any grants like the surveillance cameras. Mr. Cahalan said the problem with video surveillance is you need a power supply so they are going to incorporate that into the park improvements costs.

ROLL CALL: 4-0 (Absent – Mr. Kern)

- Mr. Cahalan said the Halloween Parade is on Sunday, October 18, 2015. Trick or treat night is on October 31, 2015 from 6:00 pm to 8:00 pm. Mr. Horiszny said we should think about earlier hours.

MOTION BY: Mrs. deLeon moved to hold trick-or-treat night on October 31, 2015 from 6:00 pm to 8:00 pm.

SECOND BY: Mr. Willard

ROLL CALL: 3-1 (Mr. Horiszny – No; Mr. Kern – Absent)

- Mr. Cahalan said the stray dog they picked up several weeks ago is being fostered by Vic Koszi. A campaign was started on You Caring to raise funds for the dog as his leg was injured. The campaign has already received \$300.00 in donations.
- Mr. Cahalan said for we have only received one candidate for Jr. Council members. Kyle Bambu who was with the EAC has indicated he wants to stay with the EAC. Mr. Willard said maybe one of us can go to the schools and talk to the students. Mrs. deLeon asked Mr. Cahalan to talk the Superintendent at SVHS.
- Mr. Cahalan said there's an invitation to the SV School District ribbon cutting for the environmental center on Friday, September 25 from 9:00 am to 10:30 am.

B. COUNCIL

Mr. Maxfield

- He said he, Ron and Chris Garges met with some residents to discuss our second meeting of the PPL cutting of the trees on Meadows Road and things are moving along very nicely. They are getting cooperation from PPL.
- He asked if we heard anything from DEP about the air quality report? Mr. Cahalan said no, they are working on it.

Mrs. deLeon

- She asked if the Authority ever sent a letter to the City of Bethlehem? Mr. Horiszny said they voted it down. Mrs. deLeon said that was very disappointing.

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- She said there have been incidents at other Township parks and asked if we have had any problems? Mr. Cahalan said no, we have a policy for use of the pavilions and fields.
- She said over the years, the Township has donated \$400.00 to the Spirit Parade. She found out recently that Hellertown has raised their donation to \$1,000.00.

MOTION BY: Mrs. deLeon moved that Council consider raising the donation amount from \$400.00 to \$1,000.00 for the Hellertown Spirit Parade for 2015.

SECOND BY: Mr. Willard

ROLL CALL: 3-1 (Mr. Horiszny – No; Mr. Kern – Absent)

- She said at the SVP meeting, they talked about things we can do to help the community. She was bothered that we got a letter from Dave Heintzelman who would like to retire his duties of the Parade Committee. What is going to happen with Community Day, the summer concerts, light-up night? We need volunteers. Because of the dwindling number of volunteers to organize these events, it may be in the best interest of the community to create a part-time position to coordinate these events in the future. The SVP will hold a special meeting on October 14th at Hellertown Borough and invite the organizers of these events to discuss these concepts. It would be a shared expense, but she has no idea what it would cost.

Mr. Kern – Absent

Mr. Willard

- He said they changed the dates of the last two Citizen’s Committee meetings to September 30th and October 29th. They will bring the final report to the November Council meeting.

Mr. Horiszny

- He said the LSA had no meeting as there was no quorum.
- He said on October 3, 2015 the Lutz-Franklin Schoolhouse will hold their apple festival.

D. SOLICITOR – No report

E. PLANNER – No report

F. ENGINEER – No report

VIII. ADJOURNMENT

MOTION BY: Mr. Horiszny moved for adjournment. The time was 9:55 pm.

SECOND BY: Mrs. deLeon

ROLL CALL: 4-0 (Mr. Kern – Absent)

Submitted by:

Jack Cahalan
Township Manager

Ron Horiszny
Council President