

I. OPENING

CALL TO ORDER: The Planning Commission meeting of Lower Saucon Township was called to order on Monday January 9, 2006, at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with, Chairman, John Landis presiding

ROLL CALL: Present were John Landis, Chair; Gerry Szakmeister, Vice Chair; Fran LaBuda, Secretary; Tom Maxfield, Hazem Hijazi, John Noble; Jim Birdsall, Engineer; Chris Garges, Zoning Officer; and Judy Stern Goldstein, Township Planner; Stephanie Williams, Jr. PC Member; and Solicitor, David Shafkowitz.

Absent - Craig Kologie

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Nothing

III. REORGANIZATION

A. ELECTION OF CHAIR

Mr. Landis opened the nominations. Fran LaBuda nominated John Landis for Chair. Mr. Landis asked if there were any other nominations. None. Nominations closed.

MOTION BY: Mr. LaBuda moved to nominate John Landis for Chair.

SECOND BY: Ms. Szakmeister

ROLL CALL: 5-0 (Mr. Kologie – Absent)

B. ELECTION OF VICE CHAIR

Mr. Landis opened the nominations. Mr. LaBuda nominated Gerry Szakmeister for Vice Chair. Mr. Landis asked if there were any other nominations. None. Nominations closed.

MOTION BY: Mr. LaBuda moved to nominate Gerry Szakmeister for Vice Chair.

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0 (Mr. Kologie – Absent)

C. ELECTION OF SECRETARY

Mr. Landis opened the nominations. Mr. Szakmeister nominated Fran LaBuda for Secretary. Mr. Landis asked if there were any other nominations. None. Nominations closed.

MOTION BY: Ms. Szakmeister moved to nominate Fran LaBuda for Secretary.

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0 (Mr. Kologie – Absent)

D. DESIGNATION OF PLANNING COMMISSION MEETING, TIME, PLACE AND DATE FOR 2006.

Mr. Landis said there has been a letter from the Township that we change the meeting night to the 3rd Thursday of the month. Mr. Hijazi said it is doable for him. John Noble said it's doable for him. John Landis said it's not doable for him right in the beginning. He has commitments in March and April, but after that, it's fine with him. Gerry Szakmeister said it's doable for her, but there is a certain amount of conflict because the Joint Township Open Space Committee meets the 3rd Thursday. That's winding down and attendance is suffering most of the time. Mr. Landis said we don't have to change and do it in February; we could start it in May. We are losing David Shafkowitz and Linc Treadwell already has a commitment for Monday. The thought was it would be better to have the same solicitor because he's familiar with what is going on. Mr. LaBuda said what you are saying, he'd be here for every meeting then. Mr. Landis said correct. Mr. LaBuda said he'll go to Thursday if the rest of you do. Mr. Birdsall said it would be a problem for him on the 2nd Thursday. Diane Palik, Transcriptionist, said it would be a problem for her on the 2nd Thursday also. Mr. LaBuda said he has a problem with the 2nd and the 3rd Thursday. Mr. Hijazi said it would probably be easier to find a Solicitor that meets our time. Mr. Shafkowitz said he offers his sincere apologies. His commitments have taken over and he doesn't think he can adequately represent the PC anymore. He said don't feel obligated to make your decision tonight. He's here as long as it takes. Mr. LaBuda retracted his earlier statement. He said the 2nd Thursday he has a problem, the 3rd is okay with him. Mr. Garges said they will take it back to the staff level and see what they can work out and will advertise next week for the second Monday for February and will carry on as usual. Mr. Landis will not be here next month, so Gerry will take over.

IV. BUSINESS ITEMS

A. ASHLEY DEVELOPMENT CORPORATION – CHURCH HILL ESTATES MINOR 02/05 – REDINGTON ROAD (TIME LIMIT 02/12/06).

Mr. Landis said they've been here before. He said we'll go through the letters from Boucher & James and then the HEA letter. Mr. Fred Lutz and Mr. Andrew Dondez were present. Mr. Lutz said he's distributed a letter earlier this evening. This letter goes item by item and addresses both comment letters. Mr. Landis said most of this is coming down to minor points.

Boucher & James Letter: Ms. Stern Goldstein said most of the issues are minor. The plans were revised, but unfortunately, they didn't revise some of the more big picture items from the planning perspective and from the planning and zoning review that we had did. Those issues still have not been addressed. The other things which are more dotting the I's and crossing the T's are more on the way, but those couple of big picture things haven't yet been addressed. We can go through the letters, but it will be up to the PC to see if they want to act on it tonight or have the revisions done. Mr. Landis said let's go through the letters to see what you are going to comply with and what is not done, and what is done.

Mr. Lutz said item 1, Area & Bulk Requirements, they will be adjusting the 50' setback line to comply with the ultimate right-of-way. It's just a minor shift there.

Mr. Lutz said item 2, Water and Sewer, no real action at this time. Septic permits will be obtained at the time of application for building permits.

Mr. Lutz said Item 3, Environmental Protection Standards, Item A, we will comply with this. We will be providing the requested information proposed for disturbance areas and impervious protection rates and calculations in accordance with that section of the zoning ordinance. They will comply. Section B, they will also be complying. They will provide proposed and future improvements as noted in the letter. They have taken into consideration additional impervious coverage as part of the original storm water management calculations, so they will be showing those on the site capacity calculations as well. Ms. Stern Goldstein said in the big picture, looking

at the environmental protection standards, it's not just the impervious surface, it's to what each of the resources will be disturbed. That's what we really want to stress. What is your disturbance in order to demonstrate compliance with the natural resource protection standards of the ordinance. Mr. Lutz said for proposed improvements, those will be shown, but for future improvements, the additional 2500 sq. feet that he mentioned – those they would have no way of knowing. Those are for future homeowners who may come in with accessory structures. Ms. Stern Goldstein said if you're saying there is going to be another 2500, she doesn't want your disturbance line to be right up 20 feet right off the edge of the house. Mr. Lutz said the grading will take some of those improvements into consideration. Mr. Maxfield said those are obviously the big items Ms. Stern Goldstein was talking about. Will those possibly change, the layout at all? Will they cause major changes? Ms. Stern Goldstein said they most likely will not change the lot line layout, but they could change the improvements layout for what was proposed on the lots. You couldn't restrict them more than they believe they would be restricted and until they do those calculations, they don't know. At this point, we have to know what are you're disturbing because we haven't seen it yet. It will more than likely not affect the lot line, but it could have an impact on what they are representing on the plan. Mr. Andrew Dondez said they don't plan on changing the house, the plan you see is what they are going to look like. They don't want to change anything too drastically. Ms. Stern Goldstein said her comment was she can't tell the PC what it's going to look like until you've done the calculations and can prove that you can comply. Mr. Lutz said Item C again is revising the site capacity calculations to show the correct total land resource area. There was a mathematical area in the formula there.

Mr. Lutz said item 4, Buffer Yards and Landscaping – Item A, the existing vegetation in the 20 foot wide buffer yard especially along the SW property line is extremely vegetated well beyond the requirements of the buffer yard in the ordinance, so they will put a note on the plan to indicate that the existing conditions should satisfy. Ms. Stern Goldstein said itemize what those conditions are so you can demonstrate compliance. Mr. Lutz said they will identify what is required, what's existing, and show that it complies with the ordinance requirements. Item B, was requesting to show the number of trees with diameters of 8" or greater. They will clarify on the plan that all of the trees that have been depicted on the plan are of 8" diameter or greater, and adjust the calculations on the site capacity so those areas are properly identified. Ms. Stern Goldstein said you'll delineate which trees will remain and which will be removed. Mr. Lutz said that is correct. He does agree with her that there was perhaps too similar of a graphic used to identify the trees. There were X's on trees to be removed as part of the proposed grading plans and they were delineated. They are going to verify through just taking a look back and looking at the bigger picture to make sure they can actually make these improvements by disturbing only those trees. Ms. Stern Goldstein said her concern was some of the grading they showed actually impacts trees that you show to remain. You need to really look at where the drip line of those trees would be, and if the grading under the drip line the trees are impacted, that's not what your grading plan shows. Mr. Lutz said they are going to make sure that all trees that fall within your disturbance are properly identified to be protected. Item C we will include the landscaping details to satisfy the SALDO Appendix A5 requirements. The street trees along Redington Road have been shown. That was an item where the proposed trees were graphically represented too similar to the existing trees, so it was difficult to see which trees those were, so they'll make sure to clarify which trees they are. With regards to Helms Road, we will again demonstrate both the existing tree conditions, the required tree conditions, and show that the existing features should satisfy the zoning requirements. Ms. Stern Goldstein said she wanted it documented on a letter.

Mr. Lutz said 5, Traffic and Circulation, Item A. Ms. Stern Goldstein said we defer comment on that. Mr. Lutz said we shall include on the plan a note indicating compliance with the driveway section and we've addressed all the comments to the Township Engineer's satisfaction pertaining to the driveways. Section B, again, simply a drafting error, and they will correct the plans to show the correct number of required parking spaces.

Mr. Lutz said on Section 6, they will place a note on the plan indicating the required dedication of land, but also make note that a request has been made for fee in lieu of dedication.

Mr. Landis said the HEA letter we will go over now. Mr. Lutz said Item B1, this would be the only item they really have for any serious discussion. There's been a recommendation made to construct a swale along the northern side of the proposed shared access way extending along the western side of Reddington Road. They would ask for clarification as to the necessity of this swale. It was commented on that the storm water management report and calculations were deemed acceptable under Item C at the end of the report showing the as proposed on lot storm water management could be accommodated for. There's just a little bit of concern by constructing the swale there. There would be additional trees removed and earth disturbance, and all along Reddington Road up through there, there's a newly constructed driveway immediately north of this property which would have to be a portion dug up and replaced to accommodate whatever storm water conveyance was designed there. Mr. Maxfield said there's a property right down to the north of that? Mr. Lutz said yes, recently a home was just constructed there. Mr. Birdsall said their concern is that there isn't enough detail right at the intersection of the proposed driveway. They need additional detail in that area and enough information to show that the storm water will stay on the west side of the road. We're not challenging the rate per volume because they have accommodated a crossover between existing additions and proposed additions, but what we have is a new point of concentration that didn't exist before where the driveway meets the end of the road. We just need information on what's happening when it gets there. The swale is only a suggestion. They can handle it any way they wish as long as it's handled and not taken out on to the township road creating icy or storm water conditions that doesn't exist now.

Mr. Maxfield asked if there was a possibility that one path of that water may be over the northern side into the area of the new home? Mr. Birdsall said we're concerned where that water is going, so if it's discharging in a sheet flow more north to the driveway on to the new home, then we're probably okay as it will be spread out over a long stretch, but depending on exactly how the driveway is graded, if it comes out toward the township road or it goes to a point where it's concentrated, then they would be concerned. They need more topographic information along the line of Judy's comments, especially right along the intersection it's hard to tell what kind of trees are going to be disturbed and whether there's going to be disturbance of tree roots. A blow up of that intersection would be helpful. Mr. Landis said basically what we are asking for is where is the water going to go? Mr. Lutz said of course. Mr. Landis said they will need for them to show how you are going to control the water.

Mr. Lutz said all of other items they are going to comply with. Mr. Maxfield said your impression when you drive by the site is that it is a wooded property, and there are major trees shown, but there is no real delineation on any of the maps of edges of woodlands or anything like that. It's got a lot of brush and young trees. How are we going to deal with that situation of the major trees delineated, and there are edges to the woods, but are we going to deal with that particular issue? Ms. Stern Goldstein said they may want to look at the definition of our ordinance. Mr. Maxfield said it obviously has been farmed and grown in, so it's becomes a woods. Somehow on the existing features map, it would be good to see those delineations.

Mr. Landis asked for any recommendations. Mr. Maxfield said this should be tabled. If the driveway changes because of water, if the house site changes, those are kinds of changes you are agreeing to a preliminary recommendation for that may change. They could go and start building their infrastructure, but it may not be the correct infrastructure. Mr. Dondez said they would have no problem with a preliminary final conditional approval based upon these letters. Mr. Landis said or we could do a preliminary with conditions and come back for a final, clean it up and come back.

MOTION BY: Mr. Maxfield moved to recommend it conditional upon compliance with the items listed in the Boucher & James January 4, 2006 letter and HEA's letter January 4, 2006 letter, and under HEA's letter have the applicant addressing the storm water management at the intersection of the proposed driveway and the existing road, Reddington Road, to the satisfaction of the Township Engineer, and as an additional condition that the applicant submit a final plan application showing compliance with the items listed in the two review letters.

SECOND BY: Ms. Szakmeister

ROLL CALL: 6-0 (Mr. Kologie - Absent)

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – DECEMBER 12, 2005

Ms. Szakmeister said on page 3 of 11, 3rd paragraph, change "site distance" to "sight distance" in two places. Page 5 of 11, fifth line down should read "impervious" area instead of "imperious" area. Page 8 of 11, last paragraph, 4th line from the bottom, change "their now" to "there now". Page 9 of 11, line 4, change "site distance" to "sight distance". Page 10 of 11, 3rd paragraph, 7th line down, change "there" to "their". Mr. LaBuda said to add Secretary after his name.

MOTION BY: Mr. LaBuda moved to approve the December 12, 2005 minutes with corrections..

SECOND BY: Ms. Szakmeister

ROLL CALL: 6-0 (Mr. Kologie - Absent)

B. ACT 167 REVISION

Mr. Landis said Tom is the one they have to talk to. He's important in here. Mr. Maxfield said there was a group he signed up to be, but he couldn't make the meetings as they were in the day time, so this is probably it. Ms. Landis said Mr. Maxfield is part of the Water Quality Update Watershed Advisory Committee.

Mr. Birdsall said Act 167 back in 1978 required that the LVPC study various water sheds and then the township had various ordinances for controlling the rate of runoff. That's where you see the detention basins coming in. Later on, there was a Phase II of the EPA NPDES process for storm water discharges from site conditions that now require that municipalities now adopt regulations for water quality as well as water rate of run off. That's what this is all about. The Township is in what is known as an urbanized area according to the census bureau, and as such, you are required to implement regulations that are sometimes known as MS4 regulations. That stands for Municipal Separate Storm Sewer System. The township has taken an aggressive position on that over the last couple of years they have their permit, they are well on their way with education and with some of the other requirements, housekeeping around the garage area in the municipality, and identifying discharge points for permitting. Because there was a deadline of March 9, 2005, the township did go ahead and amend their storm water management regulations earlier this year to address the water quality aspects as well, so the Township really went ahead of the LVPC and adopted a storm water management ordinance that addressed about 90% of what's in this book already. The LVPC has been trying to get their arms around this issue on a more broad study and they first started with the Little Lehigh Creek Watershed and that's a high quality stream and it's in a limestone area, so that was one of the toughest watersheds they had to deal with. They did battle that through the communities in Western Lehigh County and Eastern Berks with a plan similar to this and then formulated draft regulations that were similar to the regulations that are in this booklet, so that was more or less a test with the Lehigh Valley. That went to DEP and DEP rejected to quite a bit of it. It was sent back and modified and eventually it was approved by not only the LVPC, but also the County then has to take role, and then the DEP takes a role. Once it goes through those agencies, the municipality either has three or six months to actually adopt the regulations that follow the

pattern that's recommended in the booklet. As soon as the LVPC got to a point where they were pretty sure that DEP was on board, they started working with these municipalities and watersheds that are on the front cover of the book. They used a lot of the same language. They've been meeting with the technical people, the attorney's for the township and the support group that Tom is a member of during the day. They've probably had three work session with each of those groups and have now finalized their recommendations for storm water quality regulations all these different watersheds. All these watersheds listed on the front cover take care of 90% of LST. There is a small section of LST that drains into the Cook's Creek as we know and that's a regulation by a Bucks County plan that was adopted a couple of years ago for storm water quality and rate for the northern Delaware plan. Although this tackles the storm water quality recommendations on a more uniform basis around the Lehigh Valley, it does vary to some extent compared to what you have adopted. In some areas, it's a little more lenient, in some cases, it's a little more restrictive, but it does not address Cook's Creek. Cook's Creek is identified and an update to our regulations and both are identified in a draft of SALDO amendment that has been prepared and distributed to the staff for review so that they can get our regulations up to at least the level we knew about in March of 2005.

The lot grading ordinance was adopted in early 2005 to meet that minimum requirement of DEP, but we do have in front of us, the recommendations for upgrading the SALDO to address the same subject areas and also address the Cook's Creek. This is likely to be still many more months before this goes through all the municipalities, before it goes back to the LVPC for any modifications, before it gets implemented or approved by Northampton and Lehigh County, and approved by DEP. Besides any comments you give here, you will really not have to adopt an ordinance pursuant to this or probably nine months from now. We would recommend that the staff and PC continue to work together to update their SALDO, the one that is in draft form because that can be adopted fairly quickly within the next 60 to 90 days even though this other one may take more like nine months before it's really in a form that you can follow as a guide. That being said, he asked if there were any questions on the process of the staggered regulations? There are different stages of different ordinances, but before he gets into the details of this, can he ask if there are any procedural questions and why we are looking at this book now?

Mr. Landis said it is the same thing happening to Cook's Creek and we're going to get the same thing from Cook's Creek because they have to update their 167, so that obviously when we adopt any changes, we want to make them consistent. Mr. Birdsall said Springtown Township and the Cook's Creek Watershed Association are working on some regulations that are basically different in their goal than these regulations. These regulations are for water quality from a construction site and the primary goal of the Springtown Watershed Association is ground water pollution from facilities around, more land use than earth disturbance. To give you a straight answer, he does not believe that the northern Delaware Joint Community Watershed group is redoing anything. Their ordinance and recommendations may already have complied with the water quality aspects of the new DEP regulations. The LVPC is a little bit behind where we all had hoped they would be. They should have been to the same point about two years ago. It's not that they aren't trying, but they did have problems. They weren't even assigned the work as an entity until many months into the time table which had already started. It's not really their fault. The northern Delaware was earlier and they had their recommendation out there well before the March 9, 2005 deadline. Mr. Landis said the Northern Delaware, they basically have their 167 act approved by DEP. Mr. Birdsall said it's been approved by DEP. Part of the problem in communications back with Northampton County was when they sent it up to Northampton County and the LVPC, Northampton County never adopted it. It was a lost child there, this little sliver of the Cook's Creek Watershed for about a year and we couldn't wait any longer and it's still a lost child as far as Northampton County is concerned, but they are recommending that we go ahead on our own without the support of Northampton County.

Ms. Stern Goldstein said Jim's correct in everything he said and she can also reiterate that the 167 plan for Northern Delaware has been adopted by DEP, by Buck's County and by all the municipalities in Buck's County that are within that watershed. Many of the municipalities in Bucks County, there are many, many watersheds that have been evaluated as part of the 167. Most of the municipalities have opted, rather than to incorporate all of the Act 167 requirements in their SALDO ordinance, is to actually have a stand alone storm water ordinance that deals with the Act 167 issues and storm water management because it doesn't just affect subdivision and land development, it also affects individual homes on existing lots of record that don't fall under the realm of SALDO for land development, so many municipalities adopted a stand alone ordinance which has become quite handy at times. Procedurally, there are two ways to go, and she just wanted to present the options on the other side. Granted if someone is coming into a new development, there's nothing better than one ordinance that does it all, but in some cases, the municipality's advantage is to have a stand alone ordinance.

Mr. Landis said the problem is if you have a stand alone ordinance, doesn't it have to satisfy both acts? Ms. Stern Goldstein said it's easily done. Mr. Landis said he can just see the situation where one program in the act 167 from Northern Delaware versus this one. Then what do you do? Ms. Stern Goldstein said you have two separate sections. Some municipalities actually have three separate sections because they are within three different watersheds. There are many municipalities that have multiple components and that's why it's so easy at a stand alone ordinance because you have your storm water management ordinance for the township and portion one, Cook's Creek Watershed or Upper Delaware. There's portion 2, Act's watershed. It goes on and on.

Attorney Shafkowitz said the point is well taken as that if there is an impact for a use or a change use that wouldn't necessarily become a land development, then you could apply the provisions. There are certain things under the MPC that don't qualify and it could be an alteration for the land that may impact storm water management that would not fall within that. To build one house on a lot is not a subdivision or a land development, but what if somebody is building a 10,000 sq. ft. house. Ms. Stern Goldstein said even on the regulations, someone building ten houses and over 5,000 sq. feet, they have to comply with the 167 requirements.

Mr. LaBuda said he went over this for the last three days and when he read it, were we going to change something or was this just informative for the PC? Is this going to be changed? Mr. Maxfield said LVPC is just like we are. They are an advisory board, so they make recommendations to us. Mr. LaBuda said are we going to go page by page or how are we going to do this? Mr. Maxfield said there's a lot we have done already. There are some recommendations we'll be making at the EAC tomorrow night, but part of it has to do with our knowledge's of the Springfield Watershed plan and shared aquifers and things that may not be taken into consideration. Mr. Birdsall said there are a couple sections in there that give you some options. They tell you the minimum criteria, then they say it can be stronger than this, and then they give you another column in this book that talks about a stronger criteria. To address Judy's comment, the township does have a separate stand alone ordinance that we call the lot grading plan that was adopted for the very reasons that Judy has indicated. It's easy to change, it can address individual watersheds, and it can address all the earth disturbance that wouldn't be caught by the SALDO, so it is a good idea and a lot of communities do that and the Township has also. Getting to the book itself, he would say the biggest arguing points that have been debated at the technical committee level revolve around whether you are requiring infiltration or not requiring infiltration or whether it's an option. That's one thing that's been heavily debated especially in the areas of carbonate geology. What the resulting document is that's before you is that they are basically saying you are relieved of your responsibilities for infiltration in a carbonate area. Our ordinance right now says you should try and do it, but our ordinance says it can be exonerated if your consultant determines that it is unsafe or not prudent to have infiltration in the carbonate geology, so we're a little bit tighter than what

they are recommending. As we move this through the staff, we'll probably be recommending starting with the tighter regulations than loosening those regulations. The other thing he's seen a lot of debate in the last couple of go around with this is the setback from property lines and the setback from buildings between an infiltration bed and the next adjacent property line and the next adjacent building. The draft before this had a very, very small setback between infiltrators and buildings. We've been able to get that back up to something he feels is more reasonable. It may be slightly different than what our ordinances are. Page 17 and 18 in the ordinance section, everything is bolded and underlined so that is recent revisions they have undertaken. They've adjusted the separation between high water table and bottom of the infiltrators a little bit from prior versions.. The separation of 15 feet down gradient or 100 feet up gradient from building foundations. He thinks our existing ordinance is more than that. Then it says 15 feet down gradient or 40 feet up gradient for residential. In other words, it says except for residential development where the required setback is 15 feet down gradient or 40 feet up gradient. The prior version was 20 feet, but now it's up to 40 feet. They will be talking to the staff whether that's still reasonable or not. The structures that are homes are most vulnerable to the separation between foundation and these infiltrators because most homes have basements. It's almost easier to relax the regulations where they have a commercial structure and it's a slab on grade. The other criteria down at the bottom that is going to affect and is now affecting projects throughout the Lehigh Valley is the 100 foot from property lines unless documentation to be provided shows setbacks from existing or potential future wells, foundations, drain fields, etc. on neighboring properties will be met. That regulation will have the impact of requiring lots to be bigger than your minimum. When you think about your smaller lot zones, to try to separate your infiltrator on your property by 100 feet to your property line, and any possible structure on the next door neighbor's property, the best you can do and the most flexible you can be is to use the building setback line on your next property downhill. If that's a 10 foot building setback line for your property, then you really have to be 90 feet from your property line in order to achieve that separation.

Mr. Landis said the way it is here, it's 100 feet from the property line, so it's really 200 feet if the other guy hasn't built yet. Mr. Birdsall said that's true. Mr. Birdsall said our current ordinance actually does allow the flexibility and classifies single family detached roofs and driveways if you're just dealing with a single family lot and the roof from that single family lot, the regulations are a lot more flexible. It's 40 feet to the property line under our current regulations, rather than 100 feet to the property line. As Judy indicates, there's going to be a lot of discussion of the details. If we can get the comments to the LVPC on some of these issues from the township, then if they go along with it, it can be built into what they are calling the global ordinance and everyone in the Lehigh Valley will be treated pretty much the same. Mr. Landis said all the other municipalities are going to be doing the same. Mr. Birdsall said correct. There's no action on the PC's part.

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

Attorney Shafkowitz was speaking and he was not talking into the microphone. The tape did not pick him up.

Mr. LaBuda said he was going over his papers at home. There's about 6 developments around us that are age restricted. We have a development coming up in the future with 55 homes. He doesn't think we should give them any kind of help on waivers. A builder went before Bethlehem City Council and asked them to rezone something that's age restricted. Here they are going to put up this big development of 55 homes. The taxes are going to go up. Where are we going to put all those kids? Why must we assist them? If they want to build something, go by the book. Our job should be not just looking at the plans, but look at what it encompasses. We just put three buildings on that school. The whole point is when these plans come in we should look what it really affects – the total whole package. We haven't been doing that. Mr. LaBuda said Chris, when people come in, it's your job to make them follow the book and laws. That

major one, let's make it hard on them. Why should we give a burden to the rest of the people in the Township. Ms. Szakmeister said she agrees. Ms. Stern Goldstein said with some of the ordinance amendments that have been around in the last year or two and the consistency with which the township has been addressing environmental and zoning issues, in general, that it's not the Township is making it hard on anyone, but the township is actively being proactive at protecting the environment and in making sure that applicants comply with the ordinance. It's not targeting anyone or saying they are going to be hard, it's just unilaterally enforcing the ordinance and strengthening the ordinances as we go. As a PC, we should be careful. You can't say you are making it harder, you want to control development and the manner in which it occurs. Mr. LaBuda said he agrees with her on that. Ms. Stern Goldstein said you can always say no, you don't have to say yes. Attorney Shafkowitz said he has to caution the board that you should not talk about an application on pending. Second of all, they'll be situations where you are obligated to favorably consider waivers. You are never going to be favorably obligated to consider rezoning because that's purely in the discretion of Council. You have to be careful. If someone is asking for a waiver to avoid a variance, it's required. There are incidences where you have to consider it.

VII. ADJOURNMENT

MOTION BY: Mr. Maxfield moved to adjourn. The time was 8:10 PM.
SECOND BY: Ms. Szakmeister
ROLL CALL: 6-0 (Mr. Kologie - Absent)

Minutes Approved:

John Landis, Chair