

I. OPENING

CALL TO ORDER: The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, January 17, 2008, 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. John Landis, Chair, presiding.

ROLL CALL: Present: John Landis, Chair; Fran LaBuda, Secretary; John Lychak, Tom Maxfield; Dan Miller, Engineer; Chris Garges, Zoning Officer, Attorney Shafkowitz, Solicitor.

Absent –, Hazem Hijazi, Linc Treadwell, Solicitor; Craig Kologie; John Noble; Vanessa Segaline, Jr. PC Member; and Rick Tralies, Boucher & James.

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

III. REORGANIZATION

A. ELECTION OF CHAIR

MOTION BY: Mr. LaBuda moved to nominate John Landis as Chair of the PC.

SECOND BY: Mr. Maxfield

Mr. Landis asked if anyone had any other nominations? No one raised their hand. He asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 4-0 (Mr. Hijazi, Mr. Noble, Mr. Kologie – Absent)

B. ELECTION OF VICE CHAIR

MOTION BY: Mr. Landis moved to nominate Tom Maxfield as Vice Chair of the PC

SECOND BY: Mr. Lychak

Mr. Landis asked if anyone had any additional nominations? No one raised their hand. He asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 4-0 (Mr. Hijazi, Mr. Noble, Mr. Kologie – Absent)

C. ELECTION OF SECRETARY

MOTION BY: Mr. Maxfield moved to nominate Fran LaBuda to Secretary to the PC.

SECOND BY: Mr. Landis

Mr. Landis asked if anyone had any additional nominations? No one raised their hand. He asked if anyone in the audience had any questions or comments? No one raised their hand.

ROLL CALL: 4-0 (Mr. Hijazi, Mr. Noble, Mr. Kologie – Absent)

D. DESIGNATION OF PLANNING COMMISSION MEETING, TIME, PLACE AND DATE FOR 2008

MOTION BY: Mr. LaBuda moved for the third Thursday of the month at 7:00 PM at Town Hall.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0 (Mr. Hijazi, Mr. Noble, Mr. Kologie – Absent)

IV. BUSINESS ITEMS

A. REPYNECK MINOR SUBDIVISION

Mr. Landis said you will need a variance for the driveway. Present - Allan Ringer from Lehigh Engineering, Jeff Barges from Macungie, and the owner, Nicole Malone.

Mr. Barges said they went over most of the things and in the earlier letter most of them will be addressed from Mr. Ringer. Mr. Barges is concerned with some of the issues from Boucher & James, page 2, Item 2, a portion of the driveway is proposed within the required buffer area, a variance would be required to permit the driveway be built as it is proposed. It has not been grandfathered in as a pre-existing plan as it did not have sewage approval back when it was subdivided, there is a driveway that is already pre-existing and has PennDOT permit and one of the things they are requesting is to have the buffer considered to be already there. It's a waiver they are working with. They'd request that be withdrawn as a comment as they do have a PennDOT permit. Chris Garges said from talking to Mr. Tralies, they would need clarification for the adjoining use if you could basically show the adjoining use was valid as a field and not working agriculture type use, then that comment would go away and you wouldn't need the buffer. Mr. Ringer said he has an aerial from Fall of 2005, which plainly shows there is nothing there. Mr. Garges said if you could put that on the plan, the comment would go away. Please talk to Mr. Tralies. Mr. Maxfield said they'd like to see it done this year also.

Mr. Ringer said the Boucher & James letter is just a summary of issues. They finalized the calculations of the storm water in the path, and there is a variance note and they can supplement it with photography. As far as the tree waivers, they had to ask for that in their waiver request. Mr. Landis said you don't even need a waiver, as the trees are there already.

Mr. Ringer said in the Hanover letter, other than what you are going to be doing with the waivers, everything is very minor drafting issues. Mr. Miller concurs. Mr. Ringer will set up a meeting with Mr. Miller to iron everything out.

Mr. Landis said they will go over the waivers. Mr. Ringer said the first one is the 500 feet of existing features. Mr. Landis said he doesn't think anyone has a problem with that. A waiver from showing the contours required. Mr. Ringer said that was beyond the property line, 500 feet. It's offsite. Mr. Landis said a waiver on the required roadway improvements. This is coming out of 412. Mr. Barges said the roadway does not require any improvements. Mr. Landis said the berm. Mr. Ringer said there's the existing planting of evergreen trees along 412 which would be the State's highway. 50% of the trees are in the State right-of-way. Mr. Miller said you are asking for a partial waiver from the berm and because you have the existing trees, you don't need the new trees. They wouldn't have to install any physical improvements. Mr. Ringer said there's on lot sewer waiver. The other one that isn't on here is the request to not have to extend the existing pipe on Rosalie drive to the existing driveway. Mr. Miller said the ordinance prohibits the access on an arterial road. The suggestion would be to go on Rosalie Drive. Mr. Ringer went up and showed the Board the plans. Mr. Garges said Mr. Rasich went and looked at the site, and Roger has issues with that area. When he went out, and by ordinance could have it extended, he would like it extended if possible. That's where that ordinance came from.

Mr. Ringer said would this Commission be able to grant approval subject to outside agency approval? Mr. Landis said there is a variance and might be a requirement to the waiver. Mr. Miller said it would be a problem for them to go to Council as the plans sits right now. Mr. Maxfield said he'd like the plans to be as clean as possible before the go to Council.

Mr. Landis said we'll do the waivers first.

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Mr. Landis said we have a waiver of Section 145-52b requiring street trees along the right-of-way, 3b of the Boucher & James letter of January 9, 2008, and Lehigh Engineering letter.

MOTION BY: Mr. Maxfield moved for approval of the waiver as stated above.
SECOND BY: Mr. Lychak
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mr. Hijazi, Mr. Noble, Mr. Kologie – Absent)

Mr. Landis said requiring existing features 500 feet beyond the site, Section 145-33.c1, and that's on Mr. Miller's letter, No. 4 of the HEA of January 10, 2008.

MOTION BY: Mr. Maxfield moved for approval of the waiver as stated above.
SECOND BY: Mr. Lychak
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mr. Hijazi, Mr. Noble, Mr. Kologie – Absent)

Mr. Landis said the next waiver is Section 145-34c2 is existing contours 250 feet beyond the site, No. b5 on HEA letter.

MOTION BY: Mr. Maxfield moved for approval of the waiver as stated above.
SECOND BY: Mr. Lychak
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mr. Hijazi, Mr. Noble, Mr. Kologie – Absent)

Mr. Landis said the next one is Section 145-41b, requiring road improvements on 412, and this is on HEA's letter No. B13.

MOTION BY: Mr. Landis moved for approval of the waiver as stated above.
SECOND BY: Mr. Maxfield
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mr. Hijazi, Mr. Noble, Mr. Kologie – Absent)

Mr. Landis said the next one is Section 145-43b2 requiring landscape and buffer yard, No. 14 on HEA letter. Mr. Miller said it would be waiving the requirements for the physical improvements.

MOTION BY: Mr. Maxfield moved for approval of the waiver as stated above.
SECOND BY: Mr. Lychak
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mr. Hijazi, Mr. Noble, Mr. Kologie – Absent)

Mr. Landis said the next one is D1 of HEA's letter, and it's requiring minimum lot size of 3 acres for sand mound to require a 2 acre already in the works.

MOTION BY: Mr. Maxfield moved for approval of the waiver as stated above.
SECOND BY: Mr. Lychak
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-0 (Mr. Hijazi, Mr. Noble, Mr. Kologie – Absent)

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Mr. Garges said minor's at your discretion can be preliminary final. The board would recommend preliminary final minor subdivision approval subject to 1/10/08 HEA review letter, and 01/09/08 Boucher & James letter, satisfactory resolution of the variance issue for the driveway and buffer, to the satisfaction of the Township Zoning Officer and addressing all technical issues outlined in both letters of HEA and Boucher & James.

MOTION BY: Mr. LaBuda moved for approval of the waiver as stated above.

SECOND BY: Mr. Lychak

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

ROLL CALL: 4-0 (Mr. Hijazi, Mr. Noble, Mr. Kologie – Absent)

B. SHERRY HILL ROAD FORMAL SKETCH

Present – Mr. Louis Pavelcze, owner, and Chris Kerkusz, Designer of the sketch plan. Mr. Landis said you have two plans you want us to consider.

Mr. Kerkusz said Lot 4 of the subdivision plan Louis Pavelcze will own after the subdivision is all said and done, therefore, he wants to in the meantime build his house and have access to his house. Sheet 1 of 1 shows we are going to pull the driveway up to his house. They will then work on the eight lot subdivision plan after that. He met with Dan Miller and Rick Tralies at the site and discussed the riparian buffer and environmental features and talked about clustering that development. They are not going with that option as his client loves the land, and wants to maintain it and there are some high water table soils on the property and they need a sand mound and would need three acres anyway.

Mr. Tralies arrived at the meeting.

Mr. Pavelcze said they know the issues they have to go through. They have to go through conditional use for the proposed driveways. It is just a discharge swale, and collects water during storm events. Your ordinance states it needs a riparian buffer and they will meet that ordinance. Mr. Maxfield asked about the clustering. Mr. Pavelcze said there will be high water table soils and sand mounds need three acres. Mr. Garges said under cluster, they would only need one acre. If you dedicate 50% open space, then the reduced lot sizes can be down to one acre. Mr. Kerkusz said the biggest reason is the cost of development, and they did not like they'd be looking directly at their neighbors when they own 46 acres. Mr. Kerkusz said they bought the property to build a house at the top and have a lot of land and just have eight lots below. Mr. Pavelcze said they do meet the zoning ordinance other than meeting the individual requirements as they must show grading and they will show grading. Mr. Kerkusz said his client doesn't want to go the cluster route, and that they have to come in for conditional use, and he wasn't aware of that until he just received the letter. The others comments about the flood plain soils, there were tests done out there.

Mr. Miller said they didn't receive a copy, so please send them a copy. Mr. Maxfield said have you just considered just having your house there? Mr. Kerkusz said he bought it to have his house at the top and just have a couple of houses down beneath, eight lots for 50 acres is pretty much private. He'd like to go all green. He was born here and likes the area and doesn't want too many houses around. Mr. Landis said with the cluster you can go one acre and still get the same amount of lots. Mr. Kerkusz said the stream is about 200 feet from the roadway, so that's a problem. Mr. Maxfield said there are a lot of different scenarios here. This has a lot of limiting features. There are things you could do to make it work out for everybody.

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Mr. Kerkusz said he's willing to talk about it and see what they could do. When they saw the cluster, his wife said they might as well just keep the whole thing, but they can't afford to keep the entire thing. He's willing to juggle and talk about it. Mr. Landis said then you won't have the cul-de-sac going across the riparian corridor won't have to pay for it. Mr. Pavelcze said if you are willing to let us develop along Sherry Road, with minimal improvements, that might work out for his client. Mr. Garges said you will just have to make sure you provide that back lot with the requirement road frontage so you don't create a non conforming lot. The only reason they put the gate at Peartree was people would go in there and dump garbage. They could open it up if you want. Do we give 50% of the land to the Township? Mr. Maxfield said what the township has been doing lately is buying development rights. Mr. Miller said you are required to offer it to the township. Sometimes they take it, sometimes they don't take it. If you go to a cluster, you have to be ready to give it up. Mr. Maxfield said for the record, we really have not taken any of the open space we've conserved through cluster development. Mr. Kerkusz said he doesn't want to take any trees down or damage the natural features. Mr. Tralies said if the township doesn't accept the open space as their own, it has to do in as a deed restriction or have some kind of controlling covenant on it, you would still own it. You wouldn't be able to improve it. You may even be able to reduce your cost by going this way.

Mr. Tralies said the biggest limiting factor for the cluster option is the 50% open space, so whatever you can fit in the other 50%. Mr. Kerkusz said he'd just like to put a rancher up there and a pole barn. Mr. Maxfield said all that could be specified in the deed restriction. They are willing to work with what you need with the property. Mr. Kerkusz said all around the stream there are sticker bushes and crappy trees, they'd like to put in chipped wood and make walking trails. He'd like to get on top of this stuff in the winter and clean up as he goes. He'd appreciate if he could get a permit and start planting trees. He doesn't want to go near the wetlands. Mr. Garges said the ordinance talks about tree and earth disturbance if you are just taking down understory, that might be okay. The ordinance says trees six inches in diameter. Mr. Miller said the ordinance makes provisions to do what you want to do, clear some trees out and plant new trees. There are calculations for that. Mr. Tralies said he doesn't have any problem with them removing dead or any threat to any safety, health and welfare. At the stage where we are right now, with the plan in front of us, he's a little bit easy saying to remove a couple trees and plant some here. Mr. Kerkusz said there is a record on the plan of every tree. Mr. Kerkusz said it's coming up from the driveway to his house. There's all these sticker bushes, and he'd like to clean that out. Mr. Tralies said to get the driveway going, you need to get permits anyway from the Township. Mr. Pavelcze said you asked we replace some of the fencing, who do we go to for a permit on I-78? Mr. Miller said PennDOT, and tell them about the fence and maybe they'll do it.

Mr. Landis said it's probably worth your while to look at the cluster option.

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES OF DECEMBER 20, 2007

MOTION BY: Mr. LaBuda moved for the approval of the December 20, 2007 minutes.

SECOND BY: Mr. Lychak

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

ROLL CALL: 4-0 (Mr. Hijazi, Mr. Noble, Mr. Kologie – Absent)

Mr. LaBuda said if they want to go on properties, do they need permission? Mr. Tralies said he doesn't know what the Planning Commission status is, but for consultants, the township gives them permission to visit the property. Talk to Jack Cahalan and find out from him and maybe they can change the language. Mr. Maxfield said Linc did put the language in, but he doesn't know if it

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covers the PC. Just go and get the property owners permission. Mr. Garges said if you want to go out to any land, call him and he can take the township vehicle out there and everyone can go together.

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

Mr. Landis asked if there was any public comment? No one raised their hand.

VII. ADJOURNMENT

MOTION BY: Mr. LaBuda moved for adjournment. The time was 8:15 PM.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 4-0 (Mr. Hijazi, Mr. Noble, Mr. Kologie – Absent)

Submitted by:

Mr. John Landis
Chair