

I. OPENING

CALL TO ORDER: The Planning Commission meeting of Lower Saucon Township was called to order on Monday February 13, 2006, at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with, Vice Chairman, Gerry Szakmeister presiding

ROLL CALL: Present: Gerry Szakmeister, Vice Chair; Fran LaBuda, Secretary; Hazem Hijazi, Craig Kologie, 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: John Landis, Chair and Tom Maxfield.

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

Nothing

III. BUSINESS ITEMS

A. KERRY CLAIR VENTURES, LP – PENNVIEW ESTATES MAJOR 02-05 – BANKO LANE – (TIME LIMIT 04/09/06)

Joe Fitzpatrick, Attorney; Philip Siebert, Ott Consulting Engineers; and Brian Reegan, Managing Partner for Pennview Estates, were present.

Judy Stern Goldstein said natural resource protection areas and calculations do not appear to accurately reflect what will be disturbed, and didn't consider the overlap issues, and there might be some mathematical errors.

Mr. Siebert they aren't really mathematical errors, what they did was they did consider the site capacity calculation and resource protection areas as being identical. They did not consider overlap in the resource protection calculations. Judy Stern Goldstein said they are not identical. Mr. Siebert had time to review the plan and he's confident that they won't have a problem meeting the maximum percentages of resource impact that is permitted even when they redo the calculation of the resource protection as per your instructions. The only areas that would be impacted would be areas of the woods, which are also steeply sloped. They have counted those as environmentally sensitive woodlands, when in fact, they are going to have count them not only as environmentally sensitive woodlands, but also as woodlands and also as steep slopes which is measured as three different resources. Mr. Siebert said the woodlands overlap steep slopes. You're counting that environmentally sensitive woodlands, but it is also measured as a steep slope impact. Wouldn't it also be measured as a woodland impact? Ms. Stern Goldstein said yes, it would be. Mr. Siebert said they could comply with the protection limits and the impact.

Mr. Fitzpatrick said Mr. Reegan points out comment no. 6A, which is identifying trees. What they've done, they left the woodlands alone to the extent they could. What SALDO says, is that all existing trees with diameters of 8" or greater ought to be labeled and marked to remain or to be removed. He doesn't know if there are hundreds or thousands of trees.

Ms. Stern Goldstein said you only need one label for the trees specific that are staying in that particular area. Mr. Siebert said would they also be required to actually identify and locate trees

where we will be impacting them and causing their removal? Those trees have to be shown individually? Ms. Stern Goldstein said if it's a large section of woodland, you can do a section or an area and show that on a label.

Mr. Siebert said you have asked for us to indicate, under 2a, the proposed heights and lot coverages. Will it suffice to put in to the site dated summary, the maximum height that is permitted for the district, like 35' of building height. Mr. Fitzpatrick said this is not a land development plan. There are no improvements. What they are showing are footprints to indicate that a home can be located on each of the lots. Mr. Reagan is not a home builder. Somebody could come along and need a variance to build a 36' high house. Ms. Stern Goldstein said they would need a variance to do so, but this is clearly stating that if both lots are in accordance with the residential requirements and the zoning ordinance. Mr. Fitzpatrick said the lots are, the structures that aren't designed are even contemplated yet. Ms. Stern Goldstein said your intent as the subdivider is to comply with the ordinance, you will put 35' building height as proposed. Mr. Fitzpatrick said it's premature to put data on for non-existent and non-proposed structures, and he does think there is a lot there that would indicate by putting on a height on a plan that will become a matter of record and will bind the title and transfer of the property could be deemed as waiving the right to seek relief in the future. He doesn't know that any relief will be sought, he just thinks it's very premature. Attorney Shafkowitz said he would disagree that it is a land development as you are proposing to build roads, basins, and other structures as they are defined in the ordinance, so of course, it is a land development. Second thing is that in order to create lots that are going to comply, that it is the township's development rights to find out now even if you are going to sell them that whoever is going to buy them are going to build homes within the zoning district regulation. He doesn't see the real issue about somebody is going to come in later and say I know the plan approval said 35', and they want to build a house that is 36', then they get a variance. Mr. Fitzpatrick said he disagrees, it's extraneous and they'll put it on. It's not worth fighting over. It certainly is a land development with the road and the drainage and utilities. Attorney Shafkowitz said he understands you aren't just building one structure, but the idea is the Township should know whether or not you're intending to comply with those regulations. Mr. Fitzpatrick said we have to unless instructed otherwise. Ms. Szakmeister said if somebody wants to build a house on one of your lots, they have to come for a building permit and you just don't go over 35', that's it.

Mr. Siebert said they talked about the issue of overlap. The item, page 4, item E, zoning ordinance 180-95b, requires that no trees more than 6" in caliper measured to four feet above grade shall be removed. Ms. Stern Goldstein said you need to include the location of the trees that are supposed to be removed. There should be a note on the plan to that effect.

Mr. Siebert said page 7 (b), you're talking about no parking within the required yard setbacks. Does that mean the space outside of a garage door cannot occupy that space? Would one car be permitted in the side yard setback? Mrs. Stern Goldstein responded that the ordinance would permit one parking space in the front yard, but not in the side yard.

Mr. Siebert said open space and recreation, the intent of the owner is that he would propose to dedicate it as open space. Mr. Fitzpatrick said we talked about this back in October. This is in the southern most area of the Township. It's near other residential development, but it's very wide open, and seems that paying the recreation fee is preferable. Ms. Stern Goldstein said it's at the discretion of Council.

Mr. Siebert said on page 5, item 9(a), zoning ordinance requires a plan to include all driveways on adjacent lots as well as the nearest cross, which are shown by note on the plan. They are not able to be shown on the plan at the scale it's presented unless we provide another additional location plan. Is it sufficient to locate those from an aerial photograph or do we have to survey those locations?

Mrs. Stern Goldstein responded that an aerial should be sufficient as long as it accurately portrays the existing conditions.

Mr. Siebert said item B, the following item one ordinance requires the plan to include proposed buildings including proposed height, number of floors, and total building floor area. Mr. Fitzpatrick said they have no proposed buildings. They are just lots. This is not important in the scheme of things. He doesn't want to clutter the plan as they go forward. They have to come in with a building permit and comply with zoning or else they have to get a variance. They don't have a clue whether these homes will be 3,000 or 4,000 square feet, one story or two stories, or maybe a partial third if it's on one of the lots that slopes. It's not proposed yet. That's our only point, so his suggestion is that 180-1-02, C2F, doesn't apply because there are no proposed buildings.

Mr. Kologie said it's always been his view in looking at plans that the one purpose of going through this process is to demonstrate feasibility that you can prepare a plan that complies with the ordinance. He would think providing this information would go to proving that you can't comply with the ordinance. Mr. Fitzpatrick said it's understood, he just doesn't want to be bound by two stories if it'll be one or three. Ms. Szakmeister said when somebody goes to buy a lot, they ought to know ahead of time what the restrictions are. Mr. Fitzpatrick said he agrees, that's why the person selling them the lot shouldn't say it'll be two stories, and 2,000 square feet.

Mr. Siebert said Item E, under 9, plans indicate location, type, design, shielding and hours of operation of all proposed exterior street lighting, if any. Ms. Stern Goldstein asked if they were proposing any lights? Mr. Siebert said no, they are not. Ms. Stern Goldstein said then no street lights are proposed and you don't have to put it on the plan.

Mr. Fitzpatrick said they were here in October. They had a plan with a cul-de-sac that went 625 feet or so. The plan was generally well received in October with a question why is your cul-de-sac so darn long out here in what was described as a rural residential area, and that is because the zoning ordinance required a cul-de-sac this long in order to comply. We had six lots, all of which complied with all of the setback yard and size requirements, and at least a couple of the planning commissioners, maybe three, said would you reengineer this plan to get rid of some of that cul-de-sac, get rid of some of the impervious cover and maybe keep it more of a rural residential character as the rest of this area is. Mr. Reagan went ahead and had Ott Engineering reengineer the plan. We've cut down the cul-de-sac length about 130 feet as required. The whole theory of reengineering was this is a rural area, it's not a bright lit up place, let's keep this whole sense of neighborhood and community in the southern part of the township and they are fine with that. His only point is having a street light on Banko Lane at the top of the hill seems contrary to the direction that they got in October from the PC when they given an unofficial instruction to keep this as rural and residential in character as possible. He's disagreeing, but he's not being disagreeable. He doesn't think the police chief's recommendation goes along with what the PC suggested that we do back in October 2005. Ms. Szakmeister said she agreed with him, she likes living in the country because it's dark out there and you can see stars. The police must have had a real reason. Mr. Garges said Council can address the light and make that decision.

Mr. Siebert said page 6, item G, zoning ordinance requires the location and description of any fire protection system. There's no public water in the area, there's nothing proposed. We have individual wells. Will this be required of us? Mr. Fitzpatrick said they will comply.

Mr. LaBuda said he's looking at the map from before and after, you've shortened the cul-de-sac. Is that a double road going up with the two houses, you've changed the two entrances, 5 and 4, or is that a single roadway? Mr. Siebert said those are two parallel driveways that are separate, each five feet from the property line as required. Mr. LaBuda said talking about impervious coverage, how

could you find out if you don't have the size of the homes you're going to be putting up? You estimate 2,000 square feet, what do you go by? Mr. Fitzpatrick said they have to comply with the ordinance.

Ms. Szakmeister was handed a letter about someone out there who might be impacted by the water runoff. She gave a copy to Mr. Fitzpatrick and he said they will get in touch with Mr. Cressman.

Mr. Kologie said Hanover has in their letter as well, terms of additional information, on that swale. Mr. Fitzpatrick said they will address it.

Mr. Birdsall said they must just comply with all of the SALDO requirements, most in particular, he's concerned about a runoff and the fact that they have not demonstrated what they are infiltrating and he believes they should be infiltrating to the greatest degree possible. Other than that, the ramifications of that plus the other things you heard this evening are pretty substantial and may result in a substantial amendment to the layout of the plan. It may be a lot different when it comes back.

Mr. Siebert said on page 2, Item B of HEA's letter, two existing features within 500 feet of the site, is it sufficient to provide an aerial photo for that? Mr. Birdsall said it may be for a good part of your site, but there are areas where runoff is leaving your site or where you might be impacting the neighboring properties that you'd want to see good physical features offsite. Mr. Siebert said based upon that, is US GS topography sufficient or does that require surveyed topography? Mr. Birdsall said US GS is not satisfactory and he'll leave it to them whether you have to survey or not. Ms. Szakmeister said on the same page, B6 is the bit about the street lights, so in a lot of cases in the country homes, they have a standard at the end of their driveway, so it's an option, but there's no law that says they have to keep those lights lit. That's the only reason the police get into it.

Mr. Siebert said page 3, item 12, roadway improvements along Banko Lane consistent with the road construction standards of the ordinance. They have requested a waiver of roadway improvements for Banko Lane. Mr. Fitzpatrick said pursuant to the PC meeting, it was noted we're almost in Bucks County at that point and there's really not a likelihood of other developments, so to simply widen Banko Lane for that stretch of 100 feet in front of the property didn't seem to serve a good purpose is why they asked for the waiver. Ms. Szakmeister said just because you're at that end of the township, it doesn't mean the rules don't count. The thing is the Cook's Creek Watershed and they are very protective about it and all the runoff. Mr. Noble said we talked originally and the consensus was we weren't looking for Banko Lane to go to 28 feet, but we wanted to make sure your road where it came in, the improvements occurred immediately adjacent to that and shown how they were going to get in and out. We want to see how you improve that intersection a little bit. Make it safer getting in and out.

Mr. Siebert said item no. 15, discharges from basins A and C including the energy dissipation structures do not need the 20 foot setback from the property lines. We think they'll be no problem making basins C comply with that. We're going to have to move the basin slightly in order to do that, but basin A, they are thinking they may want to request a waiver of that requirement since they are proposing to do is create a lining of the channel that will take the discharge from the basin to the invert of the existing culvert underneath the road. It is his understanding in talking to the surveyors and engineers, that existing culvert cannot be changed to an inlet because it's too high in relation to the road. If they put an inlet box on it, they would not be able to get water into the culvert. We're proposing to line the channel from the outlet structure or detention basin to the invert of that existing culvert. Is that something you can put a waiver on or is it something you would require some other kind of a design? Mr. Birdsall said he'd ask for the PC not to make a ruling on that this evening or even indicate a ruling. He'd ask that with that request there be a very good detail of the topography in that area to show us exactly what they are proposing to do, not just generally what they are proposing to do. What we have found in some of these situations in the

field is that somebody does a true, good scaled topography on a larger scale to see what's going on, it doesn't look quite so nice, and quite too easy to do, when you know what all the surrounding grades are going to be or what they are. In combination with that detailed analysis, we'd want to know what the shoulder is, how the slope goes down, whether it's a big drop-off from the edge of the road down to the bottom of the culvert which would be a hazard for cars. We want to make sure the capacity of that culvert is not overloaded by a combination of existing flow which might be called bypass or what you would call flow from the subdivision that they propose to improve. If they show that, they may show that the pond release is relatively small and it may not be a problem. He'd want more detail and more information on the capacity of the existing pipe.

Mr. Hijazi asked what is the problem in moving the 20 foot setback? Mr. Siebert he said he guesses the problem is dealing with what happens beyond the end of the outlet protection that was provided at the outlet structure of the basin. Between there and the invert of that existing pipe, which is going to be relatively sloped, how do you protect that and keep it from eroding. The ordinance says there are two purposes for that setback. One of which is to provide access for maintenance of the structure and since there is a roadway there and no other property involved, maintenance isn't an issue, so the setback really doesn't add anything to that as far that goes. The other purpose is to allow infiltration of water in that 20 foot area between the outlet structure of the basin and the pipe. We're thinking with that 20 foot area and the amount of flow coming out of that basin, that probably wouldn't be a significant consideration - the amount of infiltration that you would get in that short distance of flow for the inverted pipe.

Mr. Birdsall said he would add one clarification to what Mr. Siebert is indicating and that is his understanding of reasons for that setback, are to help try to allow the flow coming out of the headwall to go back into the actual ground cover condition, significantly enough before the property line so that if erosion is going to occur right there, it occurs on the offender's property, not next door, so the property owner has enough room to get equipment in there, redo that area, restabilize that area, put sod down. As they look at that detail, they have to show us why that positive feature of the 20 foot is not possible, not doable. They need to support their request; otherwise, they should do a non-erodible condition plus provide the 20 foot. He's willing to look at it.

Mr. Kologie said is there anything wrong if they try to directly pipe the discharge to the existing storm system? Mr. Birdsall said the problem there is that then the immediate downhill impact of that continuous flow out of the basin is going to be on the neighbor across the street and you may not have rights or easements to actually go on their property in such a way that we can force these folks to repair and remediate other than damage after the fact, and we try to stay away from legal controversies.

Mr. Siebert said we already talked about the dedication of open space. That's all he has.

Mr. Fitzpatrick said he thinks they identified the areas of concern. Mr. Birdsall said the EAC has provided a report.

Mrs. Yerger, Co Chair of the EAC said they prepared these recommendations after their last meeting for the development that they reviewed:

In summary, the recommendations are as follows:

1. The detention ponds be relocated farther from the property line, specifically to the down slope residential property and to Banko Lane because this is a non-carbonate site. They believe the applicant should aim for 100% infiltration of storm water on the site. They

- believe that locating the ponds farther from these two acres would encourage infiltration and help to contain the water on the site.
2. The detention pond be “naturalized” planted with appropriate vegetation to aid infiltration and prevent pollution.
 3. It is not clear to the EAC if the large pine near the planned entrance is to be maintained. This pine is a magnificent specimen that is an asset to the site and should be kept with appropriate protection during construction to avoid its wide root base.
 4. In order to reduce impervious coverage, the EAC suggest a cartway width of 24 feet and minimization of driveway surface.
 5. The planned entrance seems to be pointed directly at the existing neighboring farmhouse. If this is so, it should be moved to reduce direct glare from the car headlights exiting the site.
 6. The EAC recommends as little disturbance of the northern wooded slope as possible in order to maintain the rural character of the area. They recommend that the house on Lot 6 be moved from the wooded area closer to the road. This will have the added benefit of reducing impervious surface from a shorter driveway length.
 7. Along with native landscaping, the EAC recommends the preservation of the existing hedge tree rows wherever possible. These rows are historic resources that provide habitat for small wildlife and add to the rural character of the township.
 8. The applicant investigate the applicability of cluster for this development. The rural nature of much of the surrounding area and the open nature of the center of the site suggest possibilities for conservation design.
 9. This site is located on the edge of a watershed protection area as delineated by the Sourcewater Protection Study of Springfield Township. This is part of the Cook’s Creek Watershed, designated as an “exceptional value”. This makes it imperative that on site 100% infiltration be achieved in order to preserve the quality of the springs and tributaries that feed the Cook’s Creek.

Mr. Hans Riemann said he’s a board member of the Cook’s Creek Watershed Association. It was his grant that produced this source water protection. He showed the gentlemen a map. It shows the landowner the importance of their property location in relation to the water supply of Springtown. These springs have been supplying the water to Springtown for over 100 years. It’s a spring fed gravity system. He showed the area where we are talking about and where the property is. He showed the zone 3 protection area as designated by our hydrologist/engineer for the springs. The springs are located just off of Martin’s Lane, totally in LST. He figures when they do a hydrological study, this particular zone is where the most infiltration back to the springs go first. It’s a science. It could take up to five to ten years, maybe as little as two years, for any rainfall here to infiltrate and recharge the springs. They just want you to be aware that some of the recommendations that the EAC has made concur with the protection of this infiltration area. The storm water basin is naturally being maintained and hopefully up to 100% infiltration from the houses and all the impervious surfaces roll out better infiltration back to the springs. He doesn’t believe the wells from the houses are really going to affect the springs, being you’re higher up than the springs. If something happens in a drought, you will probably be affected before the springs will. He thinks he heard this evening that you were talking about asking for waivers from the usual rural road improvements that are still in our ordinances. We have them in Springfield, too. It would be an interesting tradeoff from our perspective to have the township forego those road improvements if you really, really try to do the most with infiltration. That’s the watershed’s position. We’re not trying to tell them to not build homes, but the technology is there now. Someone from the EAC mentioned there are pretty good soils there, so that makes it so much easier to infiltrate.

Mr. Siebert asked if copies of that plan are available. Mr. Riemann said LST EAC has it on disc, so talk to Sandra Yerger. He showed the watershed divide on the map.

Mr. Fitzgerald said they aren't in a position to ask for a recommendation tonight, so they'll be back again. They really tried to comply with the direction given to them a couple of months ago. They have to go to the ZHB on Monday night. It's kind of an odd variance request because our hardship relates to trying to preserve an environment, preserving much green as possible. What he'd appreciate is if someone from the Township staff could indicate that the PC, in fact, recommended to them that they reduce the impervious cover and the length of the cul-de-sac. That's what put them in front of the ZHB. They didn't have to go there beforehand. It was our effort to comply with them. If they could say the developer's variances are necessitated by contempt to comply with the PC's direction. Mr. Garges said the minutes from the October meeting are in the variance application, so Council has the minutes from that meeting as well as the ZHB.

Ms. Szakmeister asked if anyone in the audience had any questions? No one raised their hand.

MOTION BY: Mr. LaBuda moved to table.
SECOND BY: Mr. Kologie
ROLL CALL: 5-0 (Mr. Landis and Mr. Maxfield – Absent)

B. ASHLEY DEVELOPMENT CORPORATION – CHURCH HILL ESTATES MINOR 02-05 – REDINGTON ROAD (TIME LIMIT -5/13/06)

Application withdrawn.

C. REEN DEVELOPMENT CO, LLC – REDINGTON ESTATES AT LOWER SAUCON INFORMAL SKETCH PLAN – REDINGTON ROAD

Present – John Hacker, Larry Turoscy, Lehigh Engineering and Tony Dimenichi with Reen Development.

Mr. Hacker said they have a sketch plan for a 32-acre site on Redington Road. They propose to infiltrate their stormwater with detention ponds.

Mr. Turoscy said by way of background, this project is north of I-78 and was the fill area for some of the construction projects in this area – Route 33 and I78. It's 32 acres. It's in the environmental overlay zone. It's the first time their company has used the environmental overlay and tried to interpret it. They put the table on sheet 1. Sheet 2 shows all of their sections of woods of different trees. They would like this plan to be reviewed and meet with the staff. If you look at the second page, most of the environmental features are towards the east or away from Redington Road except for some wooded area that is on lot 2. What they planned to do was apply the environmental parameters properly and they came up with, out of 32 acres, a subtraction that would allow them 18 acres divided by the density required of two acres, which is nine lots. They want to make sure they stay away from the environmental features which are to the rear – sloped, woods, and put all their homes as close to Redington Road as possible. Because there are only nine lots, 32 acres, they thought it would be better to just put nine two-to-four acre lots with the rear being protected. If you want protection in the back there, they can put protection lines on there so that could never be changed, the woods never be cleared, infiltrate the homes and driveways in the front. Redington Road, he's been out several occasions, and it's very, very low traffic, so they didn't see the need for adding a roadway and clustering the houses as that would have just added more impervious cover which they didn't think the township would want. If need be, they can do dual driveways rather than individual driveways. That was their attempt to try to develop this with what they thought your environmental ordinance appeared to want. They may need some waivers because of the length of the lots, but they thought protecting the lots in the back there would lead to just securing those waivers. That's really it He drove Redington Road to the north and it seems like it kind of

dead ends. There's nothing on the other side of it. That's why they opted for less impervious and keep more in land. Any guidance would be appreciated.

Mr. Noble said the engineer has to review this and he will concur with them. They will have to look at this from an environmental resource standpoint first and then coordinate with our engineers. We can take a look at this map right now and it doesn't mean a whole lot to us. They are your measurements. If our engineers concur with you, then we can sit and talk.

Ms. Stern Goldstein said the plans actually show a house and driveway scenario. It could actually be built on the site. Right now the houses are fairly small, single entry, no turn around space. They are built like that and you wouldn't be permitted to do that in the township right now because you can't have people backing out on to the public road. It's important for you and the applicant to propose something that is feasible and then look at the impact of that. Get a whole picture of your disturbance and limit your disturbances. Mr. Turoscy said if you've seen this tract, there will be minimal grading. They filled this over the years to have it fairly level on each lot. There's some slope along the front but not much that you couldn't get the home built without doing a lot of grading. Even the driveways are like that and could be done. They started testing. Testing is in all of the middle of the lots behind the homes. As we get into preliminary, we'll design homes on here because they are going to build the homes. Reen Construction builds homes. We can actually lay the size of the house that's going to be on the lots or close to it. Ms. Stern Goldstein said they just ask for something realistic. She'd love to see some sort of cluster, at least explore it here and think about it. This might be one of the few times it may make sense after you study some of the options. Mr. Turoscy said they had considered that. Ms. Stern Goldstein said they have cluster provisions recently adopted. Mr. Hacker said he's glanced at them, but not studied them extensively. Ms. Stern Goldstein said it does allow for smaller lot sizes. It gives you other options. Mr. Turoscy said he looked at it also. It's just when they looked at this, if this would have been a heavier traveled road, where you would be worried about driveways, it's long, straight, and it's one gradient. There are no vertical curves in there. Sight distance is not a problem. You can see for a 55 MPH speed limit even though this is closer to 30 – 35 MPH out there. They would like to keep the good land in the back. Ms. Stern Goldstein said you could still keep that good land in the back, but that's a trade on your development and that big chunk of lay area that encompasses most of 8, 7, 6 and 5 there, that's big chunk of unrestricted land. You could look at that a little more. See what you can do in that area and explore other options. Mr. Turoscy said they want to come back and we don't want to have something come back and have to have it be redesigned. You still save all the good parts because it's all to the rear. Whether you put your cluster here or whether you do what we're doing, you still preserve open space. If you want, we can draw five right down the middle and say preserve that. Give it to the conservancy, whatever. Attorney Shafkowitz said hasn't this board in the part for more creative design, looked at potential waivers for those minimal impacts on resources if the design of the development has some more creativity than shown on this one? It's not always driven purely by preserving 100% of every resource. The board is concerned about layout. Ms. Stern Goldstein said if there's merit, and if certain design warrants waivers, that is certainly something the township can and would support. Mr. Turoscy said what would you do with the remaining open space? Ms. Stern Goldstein said actually in a cluster, the open space is required to be offered to the township for dedication. If the township chooses to accept it for dedication, then it goes to the township, and if not, there are about two or three pages of options that you could explore and determine which one is appropriate for your site. Mr. Turoscy said if you took a cluster approach and had the remaining 15 acres or larger, it could go into a Homeowners Association, if nobody else wanted this. Ms. Stern Goldstein said a Homeowners Association is pretty low on the food chain of options. Mr. Noble said there are no public utility out there and they could really be restricted on their sewer end of the site. Mr. Turoscy said it's a filled site, so DEP is coming in with their own experts to check it. The tests are passing tests for systems, but since it's a fill, they want more expertise in there. It's being done on Thursday. They think that this is a possibility and there's good soil in the white area. For nine homes, it's his

tendency to say, look, you can't touch the back, low volume traffic, etc. You're adding probably 500 or 600 feet more of impervious. Road cuts are only bad if you don't have sight distance and you have a lot of volume. You're saying road cuts are bad. There's conditions where you can have road cuts. The downside is if you want more impervious and you want us to look at that, that's what we'll do. We can do a cluster in there, we can do nine lots in there. Ms. Stern Goldstein said she's not usually in favor of something that's just chopping up lots and putting in some roads. She'd like them to explore more options. Mr. Turoscy said does the township want another cul-de-sac to plow and take care of. If they do, fine. If he goes to most townships, most say another cul-de-sac, to plow and maintain. Attorney Shafkowitz said it sounds like they came for input and we're getting some. You're not necessarily in favor of it. Mr. Turoscy said he's not saying that. He'll do the cluster. Ms. Stern Goldstein said just explore it and come in and meet with staff and have an informal staff meeting and go over some things and you can come in again to PC and your option is for an informal sketch plan review.

Mr. Kologie said when you open up the book of the PC, the first rule in there is to minimize driveways on to a public road. We need to get by that. Maybe this is the situation where it does make sense, but he doesn't know that for sure, and it's worth at least seeing what the other options are. It's great to protect the back areas and the sensitive areas, but there's a couple purposes of open space, one is to for the neighbors to enjoy open area. There's a couple of different things we're trying to accomplish with these ordinances and maybe a cluster plan will do that.

Mr. Hacker said does he understand the board preference that they come up with a sketch plan for a cluster design and meet with staff? Mr. Kologie said go over those calculations, make sure they are correct. It doesn't have to be anything as formal as you have here, just some options to see what else might be able to be done. Mr. Turoscy said the first thing is to check the calculations. Ms. Szakmeister said there are a lot of people who want their plot and they want their house on their plot and that's the old school. Right now, cluster in the state of Pennsylvania is what is being really encouraged because it preserves more open space. That's why this is happening. Mr. Garges said this property, I78 came in and then they filled it back in when they did 33 interchange. Mr. Birdsall said he'd ask for any future plan lookout is the runoff from Redington Road and also across the street from Redington Road. There's very few gutter improvements along there and where the gutter does spill out on the property, it looks like it's being directed diagonally across the properties, so we have to make sure we're not trying to build within a water course area and presume the gutters on the other side of the street are not carrying the water down to the northwest. You have to presume that it's flooding over the top of the road. Do your calculations, but don't assume Redington Road to be the dividing line of the watershed. Mr. Turoscy said what would you have us do for Redington Road regardless of whether it's this or whether it's a cluster. Is it widening or leave it as it is? Mr. Birdsall said he's not going to try to predict. Read the ordinance and then come on back. There's minimum standards for a road widening and improvements for existing roads. The other thing is cross lot drainage. You have a lot of acreage running from one lot to the other on to the other, and he's not necessarily opposed to that, as long as it's maintained in a sheet flow. As we look at the plan in more depth, we want to make sure that is somehow protected as sheet flow and the downstream property owners recognize they are going to have to take a lot of run off from their neighbors. Mr. Turoscy said they were going to take all the roof drains and put those in an infiltration area and they were going to take all the storm water from the driveways and do the same thing so nothing would escape. These are bigger lots. They are 200 feet wide. They are two to four acres lots. The only place they'll be runoff is in the front and if we can control the roof water and the water from the driveways into the ground, you won't have to do that kind of grading. Mr. Birdsall said he's not talking about grading, he's not talking about the roof top. It sounds like you are taking care of the new impervious cover. He's talking about the existing condition, not only along the road but also across the street from the road, as a source of runoff and the upstream neighbors. As you go from a field condition to somebody using their back yard, what looks to be a nice sheet flow right now, we just want to make sure it stays a sheet flow.

Mr. Turoscy said everything is going to be drained south to north and then to the east. They will comply. Ms. Stern Goldstein said they can call the township and have an informal meeting and work and come up with some ideas.

D. TURNBRIDGE PARTNERSHIP/JOHN BLAIR- MCCLOSKEY AVENUE INFORMAL SKETCH PLAN – 3612 MCCLOSKEY AVENUE

Andrew Schantz, Attorney was present. He said he is the attorney representing the developer, both the engineer and the applicanat are out of town. They had submitted this back and received comments in December 2005 and balked on the comments. They saw the need for some variances, so they pulled themselves from that agenda and decided to move forward with their variance request because they thought without the variances, the whole thing failed, so they went down that road. When they submitted the application for the variance, they included the engineer and planning comments and they essentially had about seven requests for variances. When the township saw that, they thought there's going to be a problem with advertising that and maybe we could clean it up a little bit through the PC and through some notes on the plans and narrow it down. They thought it might get the ZHB up in arms saying why are these people coming here with all these variance requests. Really, what he's here for is to seek some guidance and one of the things he would like to point out and get some focus on is his understanding from their engineer, that there is some impact in the engineer's December 7 comment. For that submission, they did not propose a cul-de-sac, and there are comments in there that requirements for improvements to the abutting portion of McCloskey should be determined. It talked about the 28' standard road width and that a cul-de-sac should be provided. When they provide that cul-de-sac, that throws them into the need for some of these variances. It also increases our impervious cover to pull us within the Act 167 requirements.

Ms. Szakmeister said they have their January 25, 2006 letter. Mr. Garges said basically when the ZHB application came in, there were a number of them, and he read the six variances just to give the board a little bit of history what is going on here. The first variance has to do with some of the location of the site and some of the features that are required by the ordinance to be shown and that's something as we have discussed a couple times this evening, what we're really looking for is points of interest that are critical to downstream property owners. With some massaging and notes on the plans, and some additional information, that section of the ordinance that they are requesting a variance for could go away, and an aerial photo. The next one was the zoning data for the proposed building structures uses including the height, number of floors, and so on. That's another one we had spoken about tonight, a note on the plan, a chart of proposed dwelling, amount of square foot, impervious coverage, height of building, that type of thing. That one could go away with some notes on the plan. The next one was description and elevation view of all proposed structures. That one could go away with a note on the plan saying that it's a two story or whatever they are proposing. There's three of the six that could go away. The next one, the site capacity calculations, their number of committed dwelling units was 1.972. They are requesting a variance because they weren't at two dwelling units. That's one of the bigger ones here and one of the things that triggers that is some of the soils there are flood plain soils which are 100% protected. Just looking at the plan, those soils aren't shown as what we had seen on soils maps, so there's some discrepancy there that they wanted to clarify before it went for a variance. Mr. Schantz said they did hire an independent person to go out there and look at it and they did not find any of those soils out there. Mr. Garges said that's something that can be remapped and we can work it out. Out of the six, there's four already. The fifth one has to do with woodland protection and 80% requirement. They just ask for a blanket variance of not meeting that 80%. With a little more detail on the plan, they can tell the magnitude of the variance again. The sixth one was the site improvements and they requested a blanket variance for a site improvement that would be required for the zoning ordinance which is another one that can be worked out with some feedback as to what the PC would like to see, what direction they are going to go. When they had spoken to Mr.

Schantz about was it looks like we can trim this list down and get it a little more concise before it goes to Council and gets a recommendation for the ZHB. They made some revisions to the plan, but didn't get it in time for a formal review, but they wanted to come and get a little back of feedback from the PC as to which way you'd like to go on some of the improvements, that type of thing. Mr. Birdsall said the cul-de-sac issue would be a SALDO issue and wouldn't be a ZHB issue. Mr. Schantz said if we don't receive a waiver, we are required to put in that cul-de-sac and we get into some use which would require us to have some coverage. We're here to get some guidance tonight. If you feel a need for no cul-de-sac in there, then we could eliminate that variance if we need a variance. Mr. Garges said the Public Works Department has reviewed it and they actually requested a cul-de-sac be placed there for the ease of turning around or snow plowing operations. That's why they have addressed it.

Mr. Schantz said they will try to address these things through formal meetings and then modify their plans and get the variance. If they get what they are looking for, they'll have to come back. They will move forward with the cul-de-sac right now.

E. PEAR TREE BUILDERS INC – BUDDOCK SUBDIVISION INFORMAL SKETCH PLAN

Present – Mr. Philip Siebert, Ott Consulting and Barry Bourquin. Ms. Stern Goldstein said this sketch plan was also submitted as an informal sketch plan. They opted not to have the professional staff review the plans, therefore, they have not. They have looked at them though, but have not performed any reviews of this.

Mr. Siebert said this plan was presented to you at a previous date and it was a similar plan. At that time, it was a three lot plan. The area of this site is 53.23 acres of which 6.79 acres are utility right-of-way areas, so we have an area of 46.44 acres. The site lies south of I-78. One end of the site is accessed by Kings Mill Road and the other end of the site is accessed by Bauder Lane. The actual location is about 2-1/2 miles west of the I-33 interchange and about two miles east of the Hellertown exit on I-78. The zoning is RA (rural agricultural). The minimum lot size is two acres. We're subject to the ordinance 2005-01 Environmental Protection, and when they look at this site because it's virtually 100% wooded except for the utility easements, 100% of the land is in protected resources of one category or another. If you look at the plan in front of you, the white area would be slopes with less than 8%. The yellow areas are 8% to 15%. The green areas are 15% to 25%, and the blue is greater than 25%. You can see there's a cross hatching on the plan and that is there as it's indicating that the entire site is wooded with exception of the easement areas. There also exists on the site, an indication of flood plain soil. Ms. Szakmeister said would it wash out? Mr. Siebert said not necessarily. That flood plain soil touches on the east branch of the Saucon Creek which also forms the northeastern tip of the site. When we go through the site capacity calculations, the result of those calculations is somewhat preliminary that our topography is based upon an analysis of the DEM data that is available from the US GS and 10 meter grid that gives elevations for the site. It's not old data, but it's not field survey data. It's the best data that they had available to run our preliminary calculation on. As a result of those calculations, we come up with 2.68 lots permitted that starts out with 53 acres. So it's really two lots and that would be the limit. Because of the fact that only two lots would be permitted, what they are proposing to do is create two very large lots and have one each accessed from the two roads that exist on either side of the site and basically the site is cut in half by the property line. The western lot is 22.26 acres and the eastern lot is proposed at 30.31 acres. The eastern lot, which takes its access from Kings Mill Road, is only able to be accessed because of a proposed land transaction that they are proposing with an adjoining neighbor which is the Nowicki's. They are proposing a trade of a piece of property which would allow them to obtain a 50 foot access to touch on Kings Mill Road and to share that driveway with the existing drive that accesses the Nowicki property. They are also proposing to swap an area of .94 acres which would be the acreage by which the Nowicki property would be enlarged. That would be traded for the .26 acre access to Kings Mill Road. He

has all the figures on the amount of resource protection calculations and so forth. They feel they don't have a final grading plan done or even have a preliminary grading plan done at this point, but based upon some assumptions about how wide an area they'd have to grade to put in a driveway and the area to be graded around the house and the drain field, we feel we would be able to meet the maximum percentages of resource disturbances that would be allowed on these lots with the plan for two homes as they are shown. They are here to receive feedback and see what PC members feel about the proposed subdivision of the parcel.

Mr. Noble said the big concern that was not addressed last time, part of their approval process was there would be no more access off of Kings Mill Road. You're basically extending King's Mill Road. This lot does have access. Mr. Bourquin said when they did the initial research on this, they did pull up the final map of Kings Mill Road and also the resolution and he did not find anything that would limit this driveway. One quick correction, Nowicki actually has access off of Easton Road.

Mr. Garges said Nowicki has a grading plan that's in right now which may even show a house pretty close to where you're proposing to convey the area. Their septic area is right in there and they are proposing to take access from King's Mill. The proposed subdivision did show something a little bit different, but they are working through their changes right now with the Township.

Mr. Noble said when PennDOT did all the condemnation rights for I-78, so they did not create a landlocked east property, they put access on Bauder. This property was designed to have access on Bauder. Mr. Bourquin said one of the issues brought up was whether we could build a road from Point A to Point B and still get the two lots. We didn't want to do that just because of the added disturbance, but if access and frontage is an issue, then the answer is we could build that road. No one really wants to. Attorney Shafkowitz said he doesn't think the issue is whether we want or not, the issue is the zoning issue. Mr. Bourquin said they are willing to go and get the variance for that. We're just trying to figure out what direction to proceed. Attorney Shafkowitz said his only advice to the board is he would caution them, even if again, that the restriction existed on Kings Mill Development, we'd be hard-pressed to apply that to a property that wasn't part of that subdivision. One of the things looked at was the idea that if two lots were what the applicant wanted and what the applicant would consider, put a conservation easement on the rest of the property. Mr. Garges said in conjunction with that, the other concern we brought up was there are two parcels that don't have access adjoining them. This may be the time if we're looking favorably on going to two lots with this, maybe we could explore combining those parcels and cleaning that up – the Vasko and Farris parcel. Mr. Bourquin said they were cut off on I-78. He doesn't have a problem with that. Mr. Garges said they are probably a lot cheaper than building the road the whole way through there. When Mr. Farris would come in and want a building permit for his nonconforming lot, it would be a lot nicer to clean it up now and have it all part of one and have that done. Mr. Bourquin said they can approach him. Mr. Garges said it's just smart planning now.

Mr. Bourquin said they will pursue this layout and get direction from the board. If this is the layout, the two lots, that the board finds accessible, they will go for the variance for that lot. If it's not something you want to see, then they'll have to pursue something else down the road.

Attorney Shafkowitz said if he does take this plan without your having any comment, and gets the relief, he has access to that road, Kings Mill. If there's something you want to see happen, we should let the applicant know that.

Mr. Kologie said Dave's suggestion was to let the conservation easements for the two lots and put some type of protection easement on them so they wouldn't be further subdivided. Mr. Bourquin said in what sense? Attorney Shafkowitz said it's a standard document that the township solicitor would prepare for you that would limit any further subdivision of the property. Mr. Kologie said

that would make sense with regard to the property, the limited access. If you are going to go to the ZHB and offer that as a condition to any approval, this board would look favorably on it, and get the two landlocked parcels cleaned up. Mr. Shafkowitz said the law will require you to provide the access. PA doesn't believe in landlocked parcels.

Mr. Siebert said then our next step would be to go and seek any zoning variances that we would need in order to accomplish this subdivision prior to submitting a full preliminary plan on this project. Ms. Stern Goldstein said when you actually come in for the real plan, you are going to have a minor subdivision on the Nowicki property, a lot line adjustment, and then minor subdivision on your property for the proposed two lots. In order to do that, you'll have to have a full boundary of the Nowicki property and show all that also or just get an easement.

Mr. Birdsall said will you be revising your sketch before going to the ZHB or will you be using that document? If you are reviewing, if you look at the driveway serving your house up Kings Mill, your driveway starts to go up across pretty steep contours right above where Nowicki wants to build their house. He would be afraid of catching that storm water and shooting in right on to the Nowicki house or drain field. You might want to show pictorial the driveway going out a little bit further before it heads up hill so any of that runoff coming down the steep part of your driveway would miss the back of the Nowicki property. Mr. Siebert said the steep part could be discharged before it gets in front of the Nowicki property. Mr. Birdsall said that's exactly right.

F. HOMEPRO ENTERPRISES, INC. – HIDDEN MEADOWS ESTATES INFORMAL SKETCH PLAN – 3586 LOWER SAUCON ROAD

Present – Mr. Phil Siebert, Ott Consulting; Bob Kostively and Paul Dreyer, owners of the property.

Mr. Siebert said this property, they had plans for it before. It was also a six lot subdivision. On the advice of the Planning Commission, they went back and rethought the whole project, prepared a sketch plan and then presented it informally to the committee, then they instructed us to come back and make a sketch plan informal submission to the PC. This property is now called Hidden Meadows Estates. The property is comprised of 26.43 acres of which 2.61 acres is in utility easements, both PPL and Interstate Energy. The area then is 23.82 acres. Based on field survey on all the conditions that exist on the site, we determined that the maximum number of lots permitted on this site will be six lots. What they've proposed on this plan is a project coming in under the cluster subdivision ordinance 2005-06. The six lots – one is on the west side of Lower Saucon Road. That lot is actually 12.88 acres in total. That lot is the existing farm with a farmhouse, a slaughter house, a butcher shop, milk house, garage and corn crib. There is no improvement proposed for that site. On the eastern side of the property, what they are proposing is a cul-de-sac with a 24 foot pavement width which is 500 feet in length. The cul-de-sac right-of-way is 60 feet wide per your cluster ordinance. The minimum lot occurs on lot 2 which is the smallest lot. They have a preliminary analysis of the impact on the various resource and they feel that this is at sketch plan stage and they don't have full grading plans developed, but they feel that they will be able to meet the resource protection standards that are outlined in the ordinance, the maximum percentages of disturbance. As far as storm water management goes, what they will be proposing is a combination of individual on lot infiltration systems. This is not a carbonate geology area. They will be presenting that with possibly some surface storm water detention that would occur on lot no. 1 and the reason for that is because of the amount of impervious surface that will have to be managing run off due to the cul-de-sac construction. The lots are proposed for individual on lot sanitary systems. The testing has been done on the systems and some additional testing on the lots because of the reconfiguration for this cluster design. The testing will be for the sanitary systems and the infiltration systems for the storm water management. Final subject would be the disposition of the open space and what they are proposing. The ordinance would require that 50% of the bayside area be preserved as open space and they do have a written description of what they

are proposing for that. The required amount of open space is 11.92 acres. They are proposing that the farm house itself would be contained on an area of lot 6 which is 2.33 acres. That area would be unrestricted in its use. Also, on lot no. 6 there would be 10.42 acres which would be proposed to be deed restricted as permanent open space. There's another small residual parcel of land which is 0.13 acres and what it is – it's a little triangle that occurs in the northern end of the site beneath the PPL right of way and adjacent to Lower Saucon Road. The reason that is a residual piece is that your ordinance specifies that open space cannot contain any land that is encumbered by an easement for a power line. What they are proposing on that side of the track, is 10.4 acres of open space. The farmhouse is livable.

Mr. Chernaskey said what their plan is,, is to keep the farm. They don't want to change anything. That was his wife's family's farmhouse. They might do corn and soybean out in the field later on. They understand the dedication and how it works and he talked to Chris Garges. They want to let you know what their plans are and not have to come back later on. They want to sign with the County for the 10 acres, but they have to have the entire acreage to do that. It's then a 99 year deed restricted piece.

Ms. Stern Goldstein said a minor technicality. They are required to offer the open space. Certainly the township has the right to not accept dedication. If when they get to the point where they are cleaning up the plan and going to Council, at that point it would be appropriate to make your recommendation if you see fit to let it stay an agricultural use, have it deed restricted, have conservation easements on it, and multiple layers of easements on it.

Mr. Kostival said they showed it with the lines on there showing the open space required by the ordinance to be offered to the township. What they did in their explanation in the written document was to just basically offer a proposal for how we would like that to be done for your consideration.

Attorney Shafkowitz said lot 6 would essentially encompass the whole west side of the property, so it being a sketch plan, if the board has any inclination one way or the other. If your inclination is to recommend to Council even as you look at this now, they should make that revision of the plan when it gets submitted. When they submit their preliminary plan, they don't have to show a subdivision on the west side if your idea is you would support the conservation easement rather than dedication.

Mr. Siebert said he has one other thing to add then to the description of open space. With that area of open space, the 10.42 acres, we're still short of the minimum required amount of open space described by the ordinance, so what they are proposing is that on the eastern side of Lower Saucon Road, the utility easements on the north, and there is 1.5 acres and what they are saying is that 1.5 acres combined with the 10.47 on the other side totals exactly what is required for the amount of minimum amount of open space, so they are proposing that this is also open space. With the combination of those two parcels, then they meet the required amount of open space. Like the farmstead lot, that open space be deed restricted on the individual three lots, permanently preserved just as it is now and maintained by the owners of those lots so that they have all the liability.

Attorney Shafkowitz said if you are getting realistic feedback on the sketch plan, that 1 ½ acres across the street, if you're that close, you could offer it and then deed restrict it. Mr. Dreyer said if they make lot 5, 4 and 3 a little longer, deed restrict that back there, it can't impact us later on by chopping off certain parts of it. The intent would be to deed restrict it.

Ms. Stern Goldstein said on lot 6, what you probably would need to do to demonstrate what you are trying to accomplish, is to have that all one lot and just establish the one acre minimum around the farmstead building itself and then deed restrict the major of it as opposed to having the 2.33 acres because that is now going because you are going to have one family owning the entire lot. You can

maximize an area of the farm that is going to be permanently preserved. Mr. Birdsall said additional replacement drain fields might be necessary and work out in advance what you could put on that one acre. If you needed a replacement drain field and you couldn't get one on that one acre, you'd need to expand that so you could do it. You need to investigate it and go in with your eyes open and work out an agreement. Attorney Shafkowitz said you are going to probably move the right-of-way back closer to the road and pick up the area you need to get the 11.9 acres anyway. Make sure you consider that waiver not dedicating that side of the road and that would be a request they would make.

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – JANUARY 9, 2006

Ms. Szakmeister said on page 3, two big paragraphs, Mr. Lutz said Item 4, 11th line down, he does agree with that there was perhaps two similar, change "two" to "too".

Mr. Birdsall said on page 1, D, ¾ down, Mr. Birdsall said it would be a problem for him on the second Thursday. He said the second Thursday was okay. He has a problem with the third Thursday.

MOTION BY: Mr. Noble moved to approve the January 9, 2006 minutes.
SECOND BY: Mr. LaBuda
ROLL CALL: 5-0 (Mr. Maxfield and Mr. Landis absent)

V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

Mr. LaBuda said he read another article in the paper about student growth at Saucon Valley High School. They want to build another building and he's been preaching about senior housing. When they come in for that project, he is going to say something and tell Hellertown to come to that meeting. They are not putting any more children in there. He reads all these articles. They have 2,300 kids, they just built three additions on, and now they are looking to build another school.

Ms. Szakmeister said our Jr. PC member was Academic All Star of Saucon Valley, one of four beautiful girls, no boys. Congratulations! Everyone applauded.

VII. ADJOURNMENT

MOTION BY: Mr. Fran LaBuda moved to adjourn. The time was 9:40 PM.
SECOND BY: Mr. Kologie
ROLL CALL: 5-0 (Mr. Maxfield and Mr. Landis absent)

Minutes Approved

Geraldine Szakmeister, Vice Chair