

**I. OPENING**

**CALL TO ORDER:** The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, February 17, 2011 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. John Landis, Chair, presiding.

**ROLL CALL:** Present: John Landis, Chair; Tom Maxfield, Vice Chair; Scott Kennedy, John Lychak, and John Noble, members; Dan Miller, Engineer from Hanover Engineering; Chris Garges, Zoning Officer; Karen Mallo, Planner from Boucher & James; Linc Treadwell, Solicitor and Jameson Packer, Jr. Council member. Absent – Haz Hijazi & Craig Kologie

**PLEDGE OF ALLEGIANCE**

**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

None

**III. BUSINESS ITEMS**

**A. PHOEBE MINISTRIES – PHOEBE SAUCON FORMAL SKETCH PLAN – INTERSECTION OF SKIBO, MEADOWS AND FRIEDENSVILLE ROADS**

Present: Attorney Jim Preston, Jason Englehart, Lisa Fichera and John Beckman. Attorney Preston said they would reduce what becomes a body of parameters and regulations to that text and the process would probably go through another iteration at that time. Phoebe cannot stay at the table forever. There are other interests in this property that take over after a certain period of time for the by-right development that allows Phoebe to recover its cost and to move on. They are pretty much at that point now. What they hope to accomplish this evening is to engage in a realistic discussion as to the future development of these combined properties. Regardless of whether that Township wants to proceed with the CCRC amendment or not, whatever decision results, it will not be an ending. It will be a beginning and tell them what direction they go. Phoebe at that time will step out of the project and the property interest will revert to others. His point in telling you that is that Phoebe will not be able to get back into the project. They are at a defining moment. They think it's a good project and they are going to see if they can't convince you of that fact and to that end, he's going to turn it over to Mr. Beckman and have him continue that discussion.

Mr. Beckman said he knows many of you have seen these slides before. They tried to reduce them to the ones that are most important, but it is worth reviewing where the property is and you can see it's a trapezoidal piece of land. There's a photo taken from the south looking north with the Four Seasons looking to the right of the property, Saucon Valley Ridge to the left, Saucon View and Lehigh University Graduate Housing above it or to the north. When a planner or a property owner looks at a piece of land and they look at what are site characteristics. It doesn't have potential for development. This piece of land which is highlighted in green on the left part of the map, in its context, has really terrific characteristics. You can see in the darker green, some remnants of hedgerow from farm fields, there are two stands of woods along the Meadows Road. You can also see in the dashed blue line a low point of a natural swale although there is no running water there. The high point is in the lower right near Meadows and Skibo Road. The low point goes up to Friedensville Road. If you look directly to the east of the property, you see the very dense development of Four Seasons. The site is a very good one in terms of development. Mostly it's free of any sort of sensitive natural resources. There are no wetlands. There are very small areas of steep slopes, very tiny, and some limited wooded areas. There's both public water and sewer available. The site has frontage on three roadways, one of which is a state road, so it has terrific

access, and the property is under single control. This makes it very easy to develop in any way one might want to. As Attorney Preston noted, under the current zoning, there is ability for the owner to develop it by-right and if they meet the regulations, there's no challenge. It's simply meeting the regulations and going ahead and constructing the development of single family detached houses. If you apply the pure density calculation, you could get over 100 houses on this property. They believe they would probably get less due to some of the other regulatory features and maybe you would end up with 80 to 82 units, something like that, but it would still be a substantial amount of houses in a very attractive development for a residential developer. In looking at that, Phoebe Ministries had a better idea which is to develop a Continuing Care Retirement Community (CCRC) which is part of their mission and a service to the community and Lisa Fichera can tell you about that.

Ms. Fichera said they wanted to spend some time this evening to explain who Phoebe Ministries is, their organization, and their mission. Phoebe Ministries has been part of the Lehigh Valley since 1903. They were originally a deaconess home for the reformed church. They are a faith-based organization. They started their mission just after the turn of the 20<sup>th</sup> century in Allentown. Since that time, their organization has grown. They now serve six counties in eastern and central Pennsylvania and currently they have four CCRC's. Overall, their organization provides a variety of services to seniors, including residential housing, pharmacy services, out-patient rehab and a number of different service lines for the elderly. To give you some example of one of their CCRC's, they have up on the screen their Phoebe-Berks Campus. This is located in Berks County just on the outskirts of Wernersville near Reading. The reason they wanted to use this community as an example is it's a planned CCRC. They wanted to identify what a CCRC is. First, and foremost, it's very important for everyone to understand that it is not a nursing home. A CCRC campus such as Phoebe-Berks is primarily lovely, residential housing for seniors and with a variety of support services on the campus. It includes lovely cottages, apartments, and a component of assisted living, and other support services which really allow seniors to age in place in their community. The next slide is an example of one of their newest cottages in the Berks Campus. While the design of a cottage, from campus to campus may vary, this is a nice example of what they have available at Phoebe-Berks. Another very important thing to identify tonight is why we are looking to develop a CCRC in Lower Saucon. They have spent a lot of time over the last several years looking at various properties in the surrounding counties, including Northampton and Lehigh and also in Bucks and Montgomery County. One of the principal things they look at is the local demographics, which in this area, supports a CCRC development with the population over age 65, not only within Northampton County, but also in Lower Saucon Township. In looking at this lovely tract of land, where the competition is, and there is no immediate competition in this area and really feel to serve the Lehigh Valley and Saucon Valley, this would be an ideal site to allow people in this community to live out their lives right in Saucon.

Mr. Beckman said as you may recall, they came before you earlier with some language that they worked with Township staff and your experts to try to identify what the issues might be rather than jump right into detailed text. They wanted to be very clear and not hide it behind legal language and developed a concept plan to illustrate what they had in mind. He said this is the original concept plan. There were a number of comments they heard from both the Township and residents. Folks thought the buildings were too high. They wanted the buildings to be moved a little bit further away from the edge of the property. They didn't like the driveway location, particularly the main entrance, which was then proposed on Meadows Road. They listened to those and they went back to the drawing board and came up with a different concept plan. The next slide illustrates how these changes would take place. The changes are really documented in language that they've given to the Township that reduce the maximum building height, they increase the building setbacks and they eliminate the problematic access. What you see on this drawing is a different layout of buildings where the buildings are moved further west away from the Four Seasons area. The original major access on Meadows Road has been eliminated. It's been located up on Friedensville Road with another access on Skibo Road. The building heights have been reduced. They had originally proposed a 65' building height, measured in the way the Township

measures these things, which is in the mean to the roof. If you have a sloped roof, that would be at 65' height to the middle of the roof. They understood that folks did not like that and so they are proposing a 50' height to the peak of the roof which is substantially different. What you see in the diagram is the three different colors which illustrate the height of the building. The majority of the buildings in yellow are one-story buildings. The light blues are two-story buildings and those are really the assisted living lower one and the community building, the upper one. There are two buildings that are three stories, which are the apartments. They've lowered the height, reduced the number of tall buildings and moved them away from the perimeter of the development. They also wanted to take a look at just test this to see what it would actually look like. They did a very, very accurate generated sketch. You can see on the map the orange arrow points at the way the sketch on the sketch on the lower part if looking. That's the south side of Skibo Road looking across the development to the back of the mountain. This is a one-story cottage which is lower than any other building in the neighborhood on any side. It's also shown without the landscaping. The view of the mountain is not impacted. Knowing that folks tend to distrust these sketches, even though they are very carefully constructed, they just wanted to give you a couple of photos from Phoebe-Berks. This is something Phoebe Ministries has built and they are one-story houses.

Mr. Jason Englehart said the revised plan eliminates the access onto Meadows Road as Mr. Beckman touched on. He also mentioned that the access on Friedensville Road they moved further east, further away from the intersection that was of concern and because there was an additional 2.7 acre tract that became part of the overall 60-acre property. He did a trip generation comparison, a standard methodology using the ITE (Institute for Traffic Engineers) trip generation manual. You can see from that, the total trips that are generated, the trips in and out, one trip is entering and leaving, is fairly similar between the CCRC and the by-right use. The only real distinction he would point out is they mentioned previously the first shift for the CCRC is from 7:00 AM to 3:00 PM and the bulk of the employees would be working that shift. Because they need to be there at 7:00 AM, they would be entering the project before the peak hour on the surrounding network, which is typically between 7:00 AM and 9:00 AM. You'd already be at work at that point and that's an important distinction to make.

Attorney Preston said they are coming to the close of the slide presentation. They would like to touch on the reason they are here. They are at a fork in the road. This project will be developed in one of two ways. It will be developed by-right in accordance with the existing ordinance or it has the potential to be developed by an amended ordinance which would allow the CCRC that Phoebe is proposing to you. It's their hope that Phoebe can stay at the table. If Phoebe cannot, and if it cannot accomplish the rezoning in a timely fashion, then the property will be surrendered to other property interests succeeding Phoebe's that will move over to them and that will be the end of Phoebe's involvement with this particular property. One of the things they did want to share with you is a rough comparison of the relative benefits or comparison benefits between the CCRC zoning as proposed by Phoebe and a by-right development. This by-right development is based on the plan that has been supplied with the application which shows 82 units. He doesn't know that you are going to get 82 units on there. He knows when you run through the ordinance, it comes up with 108 units based on density. When Mr. Englehart looked at this, he applied some other constraints in what he thought would be real world limitations and brought it down to 82. Prior to coming here, they had a little heart to heart on what are we going to get out of this property, but what would this property yield, which would be around 70 some units. With that adjustment, the numbers he's going to talk about is based on an 82 unit count on the by-right, so they are going to be a little higher than what they really would be. He thinks the difference is diminimus in the calculation. The first item they have on there would be roadway maintenance. With the CCRC, the maintenance would be a privately-owned, privately-maintained. The by-right would be maintained by the Township. They come down to traffic collection; the CCRC would be handled privately. Under the by-right plan it would be handled by the Township. Property maintenance is another area where there is a significant difference and it may be of interest to the residents who are here this evening that the CCRC zoned and designed and built property would be maintained as a private campus. There are examples of those private campuses which Phoebe now owns and

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operates. You can go and look at the state of those and they show a uniformed product with uniform controls. That would not be the case with a by-right development. School needs, with the CCRC there are none. With the by-right, they are estimating 84 students with the caveat that they are using the 82 unit plan. The project buffering with the CCRC they have a 50' buffer and that is the minimum buffer. The buffer increases for building over 35', the buffer increases 2', so it's a 2 to 1 increase in the buffering. The point being there would be a minimum buffer of 50', with the by-right, there would be none. Employment, you can see for yourself the difference in employment. Fiscal impact, under the CCRC, we have \$800,000 which is an approximate number, which is based on taxes, amount paid in other jurisdictions. It's not always paid as taxes. Sometimes its payment paid in lieu of taxes. It tends to be a rather favorable deal for the Township in terms of revenue and then with the by-right we show a negative \$900,000.00. That number includes both schools and Township to be fair. With that, that ends the slide presentation, and he wants to thank you for your indulgence. They would respectfully request that you would take a favorable action to advance the CCRC, but nevertheless an action as they will need to move this on to Township Council if we stay at the table or if we have to leave.

Mr. Landis said this is a defining moment and you need an answer. The first thing to discuss is the actual project itself whether they are in favor of the amendment of the R20 zone which would allow a continuing care facility. He doesn't know what the Board feels, but that's what we have to do first. If it doesn't fly, it doesn't fly. Mr. Noble said they saw a lot of information from the applicant four times and feedback from the Township and the residents.

**MOTION BY:** Mr. Noble moved that the Planning Commission does not recommend a zoning change in the R20 zone.

**SECOND BY:** Mr. Maxfield

Attorney Treadwell said the reason this proposal is in front of the Planning Commission is because any proposed zoning amendment needs to be reviewed by the Township Planning Commission before and the Planning Commission must make a recommendation before Township Council can take any official action. That's why it's here tonight. The motion that Mr. Noble made was to not recommend that the zoning ordinance be amended to allow the CCRC use in the R20 zoning district. Mr. Landis said for the public that is here, this is a motion to not recommend it. Is there someone here that is opposed to this motion who would like to speak? No one raised their hand.

**ROLL CALL:** 5-0 (Mr. Hijazi and Mr. Kologie – Absent)

Mr. Garges asked what the intent of Phoebe was if they were going to go in front of Council, so they can let the public know. Mr. Landis said this commission is a recommending body. We just recommend to Council and Council can do what they want. If Phoebe is going to Council, they can go to Council and Council can decide to take our recommendation or not. Attorney Preston said they would need to go to Council as there are contractual obligations. Mr. Garges said is there a date you were looking at? Attorney Preston said as soon as possible. Mr. Garges said the next Council meeting is March 2<sup>nd</sup> and the next one is March 16<sup>th</sup>. Mr. Garges said for the public, just keep your eye on the agendas. By the end of next week, the agenda should be set for the March 2<sup>nd</sup> meeting. Attorney Preston said will let the staff know what day they would like to attend the Council meeting.

**IV. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF MINUTES – JANUARY 20, 2011**

Mr. Landis said asked if there were any corrections on the January 20, 2011 minutes? No one had any corrections.

**MOTION BY:** Mr. Lychak moved for approval of January 20, 2011 minutes.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 5-0 (Mr. Hijazi and Mr. Kologie – Absent)

**B. DISCUSSION OF JOINT HELLERTOWN & LOWER SAUCON PLANNING COMMISSION MEETING TO BE HELD APRIL 12<sup>TH</sup> AT HELLERTOWN BOROUGH HALL**

Mr. Landis said we are having a joint meeting with Hellertown on Tuesday, April 12<sup>th</sup>. The next item on the agenda is going to be the report which is a report of what we've done over the last year. His plans are we'll have the meeting on that Tuesday is to present that plan as well as any other things you think we should talk about. With a joint meeting, the one thing we want to try to do is communicate what we've done here in our Commission and they will do the same thing. We're trying to look into the future of what things we might do together. That's something to think about. We've just did the comprehensive plan which is the major thing to do together. We'll review that in another few years. If there's anything else you can think of, let him know. We meet every six months with the Hellertown Borough Planning Commission to talk about what is happening.

**C. APPROVAL OF 2010 ANNUAL REPORT**

Mr. Landis said we need approval of the 2010 annual report. Mr. Garges has done a good job and has shown what we have done over the last year. He asked if there were any comments? No one raised their hand. Mr. Noble asked about the Harmony Garden Center? Mr. Garges said he has decided not to move ahead with it. He's been looking to sell the property five plus years now. He never recorded the plan and he's basically at the end, if not past, his MPC approval window. Mr. Landis said nothing going on with the golf course? Mr. Garges said no, there were plans submitted to Upper Saucon Township by John Blair for a project called Old Saucon. They haven't gotten a copy of it yet. John did drop something off for them to look at. It is entirely within Upper Saucon Township and what he is proposing is mixed use type with retail component right at the end of Center Valley Parkway. He has right now seven or eight different store areas, some retail with apartments above and a set-aside area of traditional neighborhood looking twins and single family. The idea with them is to have all the houses with reduced front yards close to the road, all the porches and sidewalks in the old neighborhood type feeling. All garages are in the back with an alleyway. That is submitted to Upper Saucon. Mr. Landis said what about Sandy Lake Golf Course? Mr. Garges said they haven't heard anything. Mr. Landis said what about the old elementary school? Mr. Garges said they got their approval for zoning for the business, but it was a commercial type office.

**MOTION BY:** Mr. Noble moved for approval the 2010 annual report.

**SECOND BY:** Mr. Kennedy

**ROLL CALL:** 5-0 (Mr. Hijazi and Mr. Kologie – Absent)

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

- Mr. Fred Krakowski from 1866 O'Briens Court said he's interested in finding out what are the reasons you objected to the zoning change and why are you making recommendations to Council that you are making. What is it you found with their proposal not to be to your liking or an issue to that property or any other property that is similarly affected in the Township. Mr. Landis said there are two components. One is that it's not permitted in an R-20 zone. Given you are going to have problems with that particular design. He doesn't think in R-20 zone, one of the things you can do when you zone is you zone so that you have continual residential area. You just don't throw in something. That is not to say that if it were a small thing like we had on Black River Road where you have the hospice care, it's an acre or two and you couldn't fit that in. His objection is just trying to include that in the zone. We worked on a comprehensive plan and now all of a sudden you are saying we'll throw this in here and throw this in there. That was the major objection he had. As to the actual plan, probably the density of the development besides the fact that it is surrounded by residents. The traffic and lighting issues. Some of that could have worked out, it was a detailed design, but in the general overall plan, it was the density of the development plus the traffic. Mr. Kennedy said they took the basic residential area and took the density way beyond what would have been permitted and then also brought in a heavily commercial aspect which was

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totally incompatible with the surrounding areas. Had they kept the component as a residential within the density parameters that was allowed there, it might have been a good use. Mr. Maxfield said one of his major concerns was the proposed impervious coverage which was up to the 40% which is way above what we allow for the surrounding areas. The whole plan was proposed as green, green, green from the beginning but just by its very nature, 45% is non-green. It would be a slap in the face to the residents surrounding that area that we've held very tight to the impervious percentages to actually allow something with the 45% number on it. Mr. Krakowski said the impervious surface was a big concern of his, the runoff to the neighbors. He thinks he underestimated the traffic impact. Mr. Landis said there weren't a lot of strong points. The only thing is it didn't have the school impact. He thinks there is a need for long term care facilities, maybe not there, but they are going to be needed. Some people tried to say they are not going to be needed, and maybe right now, they aren't because of the market, but everyone is getting older. Mr. Krakowski said the by-right development capabilities of that property right now, are you aware of any activities or any proposals or any suggestions that are being made as a follow-up to Phoebe not being able to do what they want to do which may now be on the table and also as an extension of that, the 82 lots they threw out there, was that a smoke screen or is that legal? Mr. Landis said he can't say it was a smoke screen. We had another group come in before this and we looked at it and it didn't go forward, but it was up to 55 and he's not quite sure that would have gone through. Mr. Krakowski said this particular ground has a history of trying to be developed. He thanked the Planning Commission for assisting the residents with their concerns and for making the right decision. Mr. Landis said they wanted to make sure that it got aired. We needed to have these people have their presentation and for you people to come here and voice your opinions.

- Mr. George Lampros, 1805 Meadow Ridge Court, said to what degree was the sewage impact taken into your account on this? Mr. Landis said that was a question of whether they could get it or not from the City of Bethlehem. It was a detail that was there. We don't have our own sewer, so we get it from Bethlehem and we have a contract with them for so many EDU's and depending on whether how much we would give them or whether Bethlehem would give more, it's a consideration. It's sort of a back seat to the other. If we were in favor of doing it and you start getting into design details, it could have been a limitation. Attorney Treadwell said the sewer capacity would have driven the density. If the proposal had gone forward to develop a CCRC in that district, the number of units would have been limited by capacity they could get. Mr. Lampros said they were asking to take sewer capacity from South Mountain? Attorney Treadwell said that's correct and that's not unheard of. It happens. Capacity gets moved around based on whether a township would think that maybe nothing would get developed there, and we'd rather have the capacity over here. That's what would limit the density more than anything. Mr. Maxfield said you may see the sewer issue arise again if a by-right plan does come in here, especially with really high numbers. Mr. Landis said we really worry about the level above the design and whether you want to have this kind of use in the district was the real driver here. Mr. Lampros said a number of years ago there was consideration being given for that property to be taken over by the school district to be made a park. Attorney Treadwell said it was the Township. Mr. Lampros said is there any possibility of that happening in the future? Mr. Maxfield said we are always looking at that sort of thing. There's been no talk about it. Mr. Lampros said thank you for the decision you made.
- Mr. Krakowski said what are the chances your recommendation will not be or will be accepted by the Council? Mr. Landis said historically they go with the Planning Commission. If it's presented, it's always a good idea to be there.
- Mr. Maxfield said he would like to extend to the Planning Commission some special meetings on March 16<sup>th</sup> and June 1<sup>st</sup>. They are going to be at 5:00 PM and precede regular Council meetings. We are going to be discussing geothermal and solar ordinances that we've been considering. On June 1<sup>st</sup>, it's lighting and wind power. We've had a couple of applications for windmills that go above and beyond the height that the Township allows. Feel free to come. They will probably evolve into some sort of ordinance. Mr. Landis said he'd like to come to those meetings.

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**VI. ADJOURNMENT**

**MOTION BY:** Mr. Maxfield moved for adjournment. The time was PM.

**SECOND BY:** Mr. Noble

**ROLL CALL:** 5-0 (Mr. Hijazi and Mr. Kologie – Absent)

Submitted by:

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Mr. John Landis  
Chair