I. OPENING

CALL TO ORDER: The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, March 20, 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 Noble, Craig Kologie, Hazem Hijazi, Tom Maxfield; Dan Miller, Engineer; Chris Garges, Zoning Officer; David Shafkowitz, Solicitor, and Vanessa Segaline, Jr. PC Member. Absent – John Lychak.

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

III. BUSINES ITEMS

A. REEN DEVELOPMENT CO. LLC – DAVE SELL – REDINGTON ESTATES AT LOWER SAUCON MAJOR SUBDIVISION PRELIMINARY PLAN #MAJ 03-06 – REDINGTON ROAD (TIME LIMIT -06/29/08)

Present – Tony Dimenchi from Reen; Attorney John Hacker, Dave Sell, Larry Turoscy, Lehigh Engineering; and Tracy Hollinger, Lehigh Engineering.

Mr. Hacker said they went over the letters this afternoon.

Mr. Hacker said the first comment, on the Boucher & James letter, under summary of major issues relates to the shape of lot 5. As he reads your ordinance, the rectangular provision is a recommendation, it's not a requirement. The shape of what this is, is what it is. They considered having a common area and Mr. Sell has decided against that. Mr. Sell will build his house on this lot and wants a large lot. Mr. Tralies said they are not opposed to the lot, they are just stating it's required by the SALDO to be in a more regular shape. They are not recommending against you getting a waiver. Everyone knows the issue of the shape of this lot. You can ask for a waiver on this. Mr. Turoscy said they are looking for direction on the waiver, and the reason it's somewhat irregular is because of the four other lots which are 2 acres, 2 acres and 4 acres, and they didn't touch anything behind those. It's just the way it falls on the property. Mr. Landis said why wouldn't you just extend the other lots back? Mr. Hacker said that's how they started this process. It violates your three to one. Mr. Landis said he doesn't have any problem with the way you are doing it.

Mr. Hacker said comment no. 2 relates to your resource calculations. It's tight, but they'll make it. Is it a new requirement? Mr. Tralies said it's always been there. It may seem like a fairly new comment based on the evolution of the septic system. Mr. Turoscy said they are putting the three proposed elevated sand mounds separate systems which are on the western side of the lot in a wooded area and they are also on slopes steeper than 8%, so it's 8 to 12. The area they can disturb based on the total site is 1.4 acres and when you take out the roadway and our three areas and a construction area for the system of the actual pump station, we're about 1.34. We're close, but we make it. Mr. Tralies said if the calculations work, they work.

Mr. Turoscy said the only thing they thought they could do to disturb less area was to get in contact with the neighbor who got the PennDOT easement on the west side to get back to his property. If

it's possible that way could be used, we're going to go back there once a month to see if the pump station is working. That work takes away almost a tenth or one fifteen of an acre and that's one way to cut back on the wooded area. Would there be a problem to get that easement to go back there? Mr. Tralies said he doesn't have a problem. Mr. Turoscy said they'd also have one less driveway. Mr. Kologie said with the requirements, the lots are close to the road right now. If the houses are moved back further, would that affect their area of disturbance calculations? Mr. Tralies said it doesn't have anything to do with the homes, it's with the septic system and that's going to make their calculations tight. Mr. Hacker said it's the septic system causing the disturbance as they need three fields. Mr. Garges said it's natural resources, it's not the same as natural site disturbance. There's just a hedgerow there in the front. Mr. Turoscy said in the wooded area, you can only disturb 15% of that requirement and this is a different natural resource. Mr. Hacker said they know it's a great concern to the township, and it's really a pretty operation. They went to the Sewer Authority and at first they didn't want anything to do with it, but they may have an interest in taking it themselves or having the township take it. How do they find out what direction to go in? They went to a meeting in December or January to have them look at their system. That night at the meeting, they said they liked the operation, but they just don't think they want to be involved in it. They went back to the PC and then he gets a call from Gar this week saying it's just a simple system, they may want to take it over. That's the call he got and now they are not sure where to head?

Attorney Shafkowitz asked if DEP was contacted on this as they may dictate what they want with this kind of system. They may want an Authority maintain it. Mr. Hacker said it's been reviewed by an engineer from the township. Under the regulations, it can be private or public. Attorney Shafkowitz said DEP generally does not want these systems private. Mr. Maxfield said he can almost assure you that the township would not want to maintain it. He doesn't want to speak for everybody on Council, but that's his feeling. Mr. Landis said you have to go back to the Authority. DEP can overrule anything they want anyway and see what direction they want you to go in. Mr. Garges said talk to Dave Walbert from DEP and maybe they can sit down with them and the Authority and see what direction DEP wants to head in. Mr. Turoscy said there are different requirements if it's public or private, so it's important we find out what we're doing. DEP won't look at anything until they have a planning module and then come up with a strategy. Mr. Garges said that's probably the quickest way to do it. Mr. LaBuda said how many of these things do we have in the township like this already? Mr. Garges said he can only think of Scenic View Apartments and it's all private. Mr. LaBuda said why would we want this? Mr. Garges said this was planned a long time ago and there are only five people in this HOA. Mr. Maxfield said if the system wasn't maintained, DEP would ask the Township to be responsible. Attorney Shafkowitz said usually it's paid for by the users and handled by the Authority, separate billing structure, that type of thing. Mr. Hacker said as far as the maintenance, you have extensive regulations about posting security for two years and 50% of the cost and then 10% of security obligation. The size of the lots and the cost of the homes, there won't be a problem with the people paying an annual assessment.

Mr. Turoscy said item No. 3, the wetlands delineation. They will give you a certification for the wetlands. Mr. Tralies said if you give them that, the other comments go away about the other wetlands. Mr. Turoscy said the only other thing on the Boucher & James letter was on page 2, under Use item no.1, you refer to the site plan requirements, it says the plan should be revised to meet there requirements of Section 180-120.C.2. Mr. Hacker said they have three questions. The first question in sub section J, it talks about the location type design and shielding and hours of operation of all existing and parking lot garage lighting. He assumes it's addressed to a commercial location. Mr. Tralies said when you look at comment No. 1, you can actually skip forward to comment No. 6 on page 3 and A through D are actually those remaining site plan requirements. Some are things that aren't going to go on the plan. Some of the things in that site plan, they don't apply, but just take care of those four items and that will be fine.

Mr. Hacker said the recreation, they expressed an interest in paying a fee. Do you have a preference? Mr. Landis said it comes up to the council's decision. Mr. Turoscy said now that they have some open space, they could put in a recreation area. It's rural and maybe the children need a place to play. Mr. Kologie said the lots seem to be bigger to serve their own recreation needs. Attorney Shafkowitz said in all likelihood, they can decide what they want to do and if it's going to be open space, the initial intent was probably public, but Mr. Kologie's comment was well taken. Mr. Hacker said it's a Council decision? Mr. Landis said yes, his guess is they are going to want a fee.

Mr. Hacker said the easements…Larry Turoscy stated easement and the intention was to draw easements for the sewer system and they have to do it for the buffer area on the easement on the stream. Mr. Turoscy said because of the stream going through the rear of the property and the line that go there from each lot, especially on lot no. 5, there are going to be multiple easements. The letter from HEA, they said they should be putting a 20 foot easement in accordance with SALDO. Mr. Hacker said he doesn't think a buffer area is an easement. Mr. Turoscy said they have to sit down with everyone and talk about it. There will be all kinds of easements, and it's a matter of sitting down with Boucher & James and asking them where they want easements and where they want them recorded. We have to just sit down with everybody and discuss where they want to easements. Mr. Miller said what you are proposing with having a catch all easement is fine. There's the sanitary utility requirements, the easements associated with the riparian corridor, SALDO easements and zoning buffers. They are okay with them calling it easements, they just have to know what the requirements of that easement are. Mr. Maxfield said they'd be in favor of some type of protection in that area.

Mr. Tralies said they don't typically require an easement around the riparian corridor area. Usually if you just show the line that delineates it and you show with your calculations you are protecting it adequately, that's typically enough. As far as the buffers go, if you are referring to their comments about notes, they are just looking for notes stating you are going to preserve the vegetation required to be preserved. As long as they on a recorded plan, that's adequate for them.

Mr. Turoscy said we thought if you made the riparian buffer 100 feet back and not only made it a buffer, but an easement, that would protect 100 foot on the steam rather than 20 feet, and it's so far away from anything they are doing, then you'd only have one easement which would serve as an easement and buffer, and its described on here so you'd know exactly where it was. We'll work it out.

Mr. Hacker said turning to the Hanover letter, on no. 13 is the issue of improvements to Reddington Road. They've been told by PennDOT they are not interested in any improvements and they are requesting a waiver. Mr. Landis said it's a rural road, and as long as you aren't making it narrower.

Mr. Turoscy said on page 4, the road side swales, we thought at a minimum you should have some parallel drainage along the road. PennDOT had no problem with that. If you see the comment on page 4, it says, the roadside swales proposed are not per the Township Standards. A waiver has been requested. Since they are not widening, they thought if they put a swale in there that would handle the storm water that would keep the water from getting back to the properties and off the roadway. We need a waiver for that as they are not following what your cross section is for basic widening and drainage for township roads. Mr. Miller said they aren't looking for complete compliance on that. They are okay with a waiver on that. Their concerns are the next two, that the swales are not as per your design at the driveways and also that the driveways are not the depth, you analyze it as a certain cross section, that is not shown to be maintained for the driveways, and even if you were to do the cross section, it would be a problem as no one wants to do 3 to 1 slopes. Mr. Turoscy said they would do pipes there. They'll design culverts to match each one of them.

Mr. Kologie said PennDOT knows you want to put the pipes in here? Mr. Turoscy said not yet, but as long as you maintain that configuration, and you keep the water going away from the roadway, they are happy with it.

Mr. Garges said the zoning ordinance doesn't allow culverts in the right-of-way. Either you have to push them back out of the right of way or what we have accepted as it's a PennDOT road, if PennDOT signs off and gives their permission. It is in the zoning there are no driveway pipes allowed in the right of way.

Mr. Hacker said their last comment is on page 8, comment 29. Mr. Miller said that means it's a fill area and you should have a geologist looking at what needs to be done so that the structures themselves will have adequate base for their building and also just some kind of getting cover on that soil layer on top of the ground so you can put grass on there. Mr. Hacker said they will do that. Mr. Garges said they need a note on the plan saying each foundation would be inspected by the geologist prior to pouring the foundation. Mr. Dimenichi said they always did some on the sites. They don't want the problems, so the engineering will inspect and they will comply.

Mr. Dave Sell said do you like this plan? Originally we had nine lots, and he'd like to get an opinion. Mr. Landis said there are some waivers and it's a lot better than the nine lots.

Mr. LaBuda said on HEA's letter, you are going to take care of all of the items? Mr. Hacker said yes, they will address everything. Mr. Landis said the way you've done it is the way we want it.

Mr. Miller said there is an existing sedimentation structure and closed depressions associated with the sedimentation basin with 78 or 33. It's still there and the plans indicate they are willing to take out that structure and he doesn't know whether the township wants it removed or wants it to stay. It's a fairly sizeable area. It's all in the steep sloped areas. It appears to be stabilized. Mr. Landis said they'd rather not have them disturb it. Mr. Turoscy said there's a well that was used for drinking and he can keep that well because they can use that well and whoever takes over the system has water there. There are some tanks underneath the ground for holding tanks for sanitary. They are working with that with your SEO. They are down where the roadway is at the western end of the site. They are in open areas. Mr. Garges said they don't have an ordinance where it requires the wells to be closed off. Mr. Kologie said if it's not constructed properly, that's a potential for groundwater contamination, so you want to take a look at it as it could impact your water supplies for the other homes if that gets polluted. Mr. Turoscy said when they come back, they'll have more information.

Mr. Maxfield said on no. 3 on the wetland study, are we talking about additional wetlands or delineates that don't match? Mr. Tralies said LVPC shows the area of wetlands more or less right in the middle of the site. It's their GIS information and he doesn't know how reliable it is. Mr. Garges said it was filled in the late 90's, if we go out behind that lot, it's going to be level with everything around there. Mr. Turoscy said it surprised they had that on there. Their guys couldn't find wetlands there. They are confident about that.

MOTION BY: Mr. Kologie moved that the plan be tabled.
SECOND BY: Mr. Maxfield
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 6-0 (Mr. Lychak - Absent)

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES OF FEBRUARY 21, 2008

MOTION BY: Mr. Maxfield moved for approval of the February 21, 2008 minutes.
SECOND BY: Mr. Kologie
Mr. Landis asked if anyone in the audience had any questions or comments? Mr. LaBuda said he was absent at that meeting and Hazem Hijazi was there.
ROLL CALL: 5-0 (Mr. Lychak – Absent, Mr. LaBuda – Abstained – he wasn't at the meeting)

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VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

Mr. Landis asked if there was any public comment? Mark Wirth was present and he was concerned that a property that was no located in LST, but in Salisbury Township, there are 16 lots below Franko's Egg Farm, they plan to build $2 million homes, and if the water is going to go into the Black River Creek. Attorney Shafkowitz said he's just concerned that he wouldn't want the Planning Commission to comment on any project that isn't before them at this time. Mr. Landis said this is not in their jurisdiction and Mr. Wirth should go and talk to the Salisbury Planning Commission, you're at the wrong Planning Commission.

VII. ADJOURNMENT

MOTION BY: Mr. Hijazi moved for adjournment. The time was 7:50 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: 6-0 (Mr. Lychak– Absent)

Submitted by:

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Mr. John Landis
Chair

There will be no meeting next month as there were no submissions.