I. OPENING

CALL TO ORDER: The Planning Commission meeting of Lower Saucon Township was called to order on Thursday, March 28, 2013 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; and John Lychak, John Noble, Sandra Yerger and Craig Kologie, members; Chris Garges, Zoning Officer; Karen Mallo, Boucher & James; Dan Miller, Hanover Engineering; Dave Shaftkowitz, Solicitor. Absent: Scott Kennedy

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS – None

III. REORGANIZATION

A. ELECTION OF CHAIR

John Landis was nominated and voted in as Chair of the P/C.

B. ELECTION OF VICE CHAIR

Tom Maxfield was nominated and voted in as the Vice-Chair of the P/C.

C. ELECTION OF SECRETARY

John Lychak was e nominated and voted in as Secretary of the P/C.

D. DESIGNATION OF PLANNING COMMISSION MEETING, TIME, PLACE AND DATE FOR 2013

The date for the P/C meeting is the fourth Thursday of the month at Town Hall, 3700 Old Philadelphia Pike, Bethlehem, PA 18015 starting at 7:00 PM, unless otherwise noted, for the Year 2013.

IV. BUSINESS ITEMS

A. BETHLEHEM RENEWABLE ENERGY, LLC – BETHLEHEM RENEWABLE ENERGY WASTE STORAGE TANKS LAND DEVELOPMENT #LD 01-12 – 2335 APPLEBUTTER ROAD – EXP. 04/24/13

Roger Williamson, Bob Hollis, Daniel Guest and Lisa Pereira from BRE were present. Ms. Pereira said as an update regarding the ZHB hearing, they did receive all the necessary zoning relief that would permit us to come forward with the plan here this evening. She will turn it over to their engineer and he can go over in the plan in detail and then they can discuss it.

Mr. Guest said this is the site plan of the proposed conditions. They have two parts to the project which is a temporary tank system and a permanent tank system. What's existing right now is Applebutter Road off the bottom of the plan, the entrance to the site and they have the compressor building and the turbines, office trailer. Currently, the landfill gas that comes in for the running of the system, comes through over from the east and comes into a knock out pot and right next to that is a oil/water separator which gets condensate from the landfill gas that comes through. The

oil/water separator also gets other condensate elsewhere within the process. It takes out moisture to condition the gas to get it ready to go into the turbine and create the energy. Those lines go back to the oil/water separator so what their proposal is right now is to block off the currently discharge that goes to the City of Bethlehem and to place a pump within the oil/water separator and pump that in some stainless steel pipe that's attached to the compressor building and come into the temporary tanks. These temporary tanks are the rain for rent tanks that are pretty much that come in a flatbed truck and you lay them down and then they also have a secondary containment around those areas which go back. These tanks will collect the waste water which will then be collected in a tanker truck and disposed of offsite as a non-hazardous waste. The permanent condition right next to these temporary conditions, they would build a concrete pad and have a 10,000 gallon tank which is double walled and has a heat blanket built into it and more readily available to pump out. They periodically do have maintenance that's required for these mobile turbine trailers, so this permanent tank would be out of this area for that type of maintenance coming back and forth and the piping would be detachable to able to allow that access to go through there during that time period. Usually when they do that maintenance, the plant is down and it wouldn't be generating any waste water as it is. That would be the summary of their proposed plan.

Mr. Landis said there's a question about truck traffic and how you would turn around and get a truck in there, to haul off the waste in the water tanks and the other is the oil/water separator. Mr. Williamson said during the temporary tank operations, they would utilize small trucks that would come in and make this turn and back in or they would stop along Applebutter Road with a larger tank and back into the facility here and then run hoses from the back of the truck to the tanks. The oil that's collected in the oil/water separator and then later on when they collect oil in the stilling operation, that's pumped off into 55-gallon drums and disposed of in a separate operation. They will have access down this corridor to be able to hand truck the waste oil out of there. They will dispose of it once a week. They can probably get into some condition where it may be needed twice a week. The theory is every eight days.

Mr. Guest said it's approximately 1,000 gallons a day generated, so they'd need to dispose of, 7,000 a week. Mr. Williamson said when they first start up, they are probably going to have more water in that first week than any other time as they'll be drawing more water in that first couple of weeks.

Mr. Landis said we'll go on with the review letters. Let's start off with the Boucher & James letter of March 22, 2013. Ms. Pereira said with respect to the Boucher & James letter, they received it today and had an opportunity to go through it. She thinks that all of the comments are "will comply". They did have a clarification with respect to Item 3.b. which is on page 4 at the top. They've spoken with Karen about it and with respect with demonstrating the compliance to Chris Garges, they will be able to do so. Neither of these things are applicable, so at the time they are coming forward for the issuance of permits, so they will have to speak with Chris about that and he can provide them with notice of his satisfaction to whether they complied with this matter. Mr. Garges said that's fine.

Ms. Pereira said the other item on that page is under 4. General Comments and that is related to the vehicular circulation. They have already started that discussion and if the Commission has any specific questions regarding what they had already described as part of the proposal. Ms. Mallo said their concern was that the previous application had become with an auto turn diagram that showed that the trucks were going to pull in, pull forward, pull toward the left hand side, and then back in. Now where they are proposing the fencing, that's where the trucks would back into so there's reduced space for those trucks to provide that loading area. Because that has changed from the original application and because it's a temporary condition, they needed to see how that they were going to provide for that loading and turning radius. There is not enough turning radius for a large truck. They need to have that discussion with the applicant as to how that needs to be addressed. If you want a larger truck pulling along Applebutter Road and backing in with flaggers; or if you want a smaller truck coming more often and backing in and being able to use what

pavement is there to turn around on, that's up for discussion and within your reasonable discussion tonight. They presented to Boucher & James a very basic draft. They got it as an email about a standard operating procedure for the unloading. It would be the backing in with flaggers and that's what they are leaning towards as that would allow them to have fewer pickups.

Mr. Landis said you are talking about the most maximum you can have is 9,800 gallons. How big a truck is that? Mr. Williamson said you don't have a truck that will carry 9,800 gallons. Mr. Landis said even a big tanker truck? They probably do. Mr. Williamson said theoretically you can put in 11,000 gallons, but they don't want to generate that much. It doesn't show you a height on it but the idea is it will hold 110% of the largest tank volume. It will hold 5,500 gallons. There's a double wall with leak detection.

Mr. Noble said can you use a temporary double wall and eliminate the dike feature and then have your turn-around? Mr. Maxfield said sight distance coming up that hill, if someone were to back up and their end were to go in the other lane, is bad. At certain times of the day he can see traffic back-up which would not be good. Mr. Williamson said they've addressed that in their assessment. The majority of the traffic that would cause a problem is probably with the landfill. Their busiest hours are between 8:00 am and 10:00 am and between 1:00 pm and 3:00 pm. Mr. Maxfield said at 7:00 am, it's pretty bad.

Mrs. Yerger said because of the 412 construction, people are taking shortcuts every which way they can, including herself. Mr. Maxfield said it's a school bus route and it's a major route for a lot of people traveling that way. Mrs. Yerger said it's been exasperated by the 412 construction. People are looking for ways around it. Mr. Williamson said they will look at that and they can say their hours between 7:00 am and 11:00 am. We'll try to operate before 7:00 am or between 1:00 and 3:00 pm. Most of the time they are going to be using small trucks – a oil jobber size. Mr. Maxfield said you are talking about a non-split cab? Mr. Williamson said yes.

Mr. Maxfield said would there be a problem with us requiring that a small truck be used? He remembers last time when we had no quorum; he thinks it was Mr. Williamson's testimony that said that a good truck driver could turn around there. We don't always have good drivers. Mr. Williamson said he understands that. Mr. Maxfield said he'd rather be safe than sorry. If we could mandate that smaller trucks use that site, he'd be a lot happier. Mr. Williamson said okay. He would like to have some flexibility that on early mornings or weekends if they do run into a need, they could have some flexibility there. Mr. Maxfield said he's just afraid that some guy might think he's a good truck driver and try to pull in there.

Mr. Lychak if there was a large tanker or a smaller one, how much room would be available for emergency vehicles or any other vehicles that would need to get in there in the event of a mishap or something? Mr. Williamson said like a hook and ladder truck which wouldn't be needed on the site, we don't have a structure big enough to need it, they would have to work from Applebutter Road. The smaller vehicles like EMT size would not have a problem in this design. Mr. Guest said there's certainly access for the vehicles to come up close to the building, per code to be able to work in here. There's also an access road within the landscaping area to get in there if they need to. Mr. Lychak said if there was a tanker truck loaded with the waste material, would there be room for an emergency vehicle to get in there or would they have to go in another way? Mr. Guest said with the smaller vehicle you are requesting, there would be room. Mr. Lychak said no hook and ladder would be able to get in, but a smaller vehicle could they get in? Is there enough room? Like an EMT? Mr. Guest said not in this location, but if they needed to come over here for access, there's an access road in the front. Mr. Hollis said also in a true emergency, the parking lot for IESI is right behind the fence, behind the office trailer if a fire hose had to get close. If they had a big tanker there, you're not necessarily going to get a big vehicle to the turbine generator or to the office trailer, but certainly there's a walkway for a stretcher or something like that. We're not going to totally block access. You won't have driving access for fire vehicle or EMT vehicle, but

you can get close enough to the facility. Mr. Maxfield said the parking lot at IESI is elevated above that. Mr. Hollis said yes, it is.

Mr. Kologie asked what the timeframe was for using these tanks? Mr. Williamson said they have allowed themselves 16 to 18 months, but they plan to get it in when the cold weather leaves. Mr. Kologie said the frequency of the servicing of the turbines? Mr. Hollis said on a routine basis, as scheduled, the next overhaul of that turbine will be in 2014, so at some point, before we put the permanent tanks in or towards the end of the life, and the beauty of the temporary tanks is we can evacuate them and move them out of the way, so there will be a scheduled overhaul in the 2014 timeframe. Mr. Williamson said if a major overhaul is needed, the plant will be shut down and they'll drain the tanks.

Mr. Noble asked about a full tanker getting in there. Mr. Miller said Boucher & James has been taking the lead on that. A full-sized tanker truck isn't going to be able to go in there. Mr. Noble said show me how a truck is going to pull in there, go left, back towards the tanks and make a 90 degree turn. Mr. Williamson said yes, you have to jockey back and forth. Ms. Pereira said the Lower Saucon Authority has a driveway just to the left of that. If a smaller truck can access that driveway, it can then back out behind it. It can pull into the Lower Saucon driveway, back out and then pull out. She suggested to them that they contact the Lower Saucon Authority. It's not that big. They would have to have a smaller truck. Mr. Guest said this is a flat, grassy area and they could overhang. Mr. Noble said show him how you are going to make a left hand turn and back out. Mr. Guest said it's going to take a couple of turns. It's not going to be a one turn, right out again. Mr. Maxfield said is the dike system on some sort of tractor trailer? Mr. Guest said no, it's laid down on the asphalt. Mr. Maxfield said you said it easily moved so you could access the maintenance turbines in the back, how is something flat laid on the ground easily moved? Mr. Guest said the containment walls would go flat. There's like a kind of catch. You'd take back the liner and then you flatten out the walls and they can drive over that and pretty much roll the turbine trailer over that liner area. There's a possibility of going with a higher dike. He thinks they have 18". Mr. Noble said it's not even a matter of having a higher dike, just show him how the truck is going to back out. Mr. Williamson said they will investigate that. One option is after they empty the tanks, they will be empty. If really need be, they can drop the dike and back up right on to the dike. The same way they pull them in and out. Mr. Hollis said they will look at that a little bit further as maybe there's a way they can do some geometry changes in the dike area, either higher wall or rearrangement. Let them look at that.

Ms. Mallo said the only thing they are paving is a concrete slab for that tank. There's nothing around it. The other thing to note is their letter does say even with the temporary solution, when they do go to the permanent tank, the original plan did not call for those large tanker trucks. Even though there is more room, it doesn't necessarily mean there's enough room for a large tanker truck. The gate is still in the same existing spot that it is now and they are not using a large tanker truck at this point. It's more of a box truck to pick up the oil residue. It's not simply cut and dry once the temporary solution is done as well. We have to find out if the tanker truck of that size can be accommodated on the existing conditions.

Mr. Hollis said they will take Mr. Maxfield's suggestion and look at the two trucks rather than the one big truck a week. They will take that under serious consideration. They will look at the dike geometry, make it squarer, raise the walls to get the volume they need. Mr. Landis said if you are just using the temporary thing, you can use small trucks and may be the cheaper thing for you to do anyway, but the other concern they have is when you go to the permanent tank, do you have enough space to turn a big truck around. We have to know that. Mr. Noble said is there some way we can quantify a small truck? To him, it's simple, all turning radiuses have to be done within the facility. You can't back out on to Applebutter. If they don't have to do that, it's fine. Mr. Landis said they would probably back in, but it's the same thing. Mr. Noble said either of those two motions are not going to be a good one. Mr. Williamson said backing in is always preferable to backing out. It's a much safer operation.

Mr. Maxfield said with the temporary conditions, there seems to be a lot of variables, and you are going to be looking at some of those to see how the turning is going to go, he would suggest maybe we should suggest as a Commission that we have an end date for the temporary condition and based on what was said. You said 18 months. Mr. Hollis said August 2014. That's on the plans. Mr. Maxfield said can we make that a recommendation that everything should be permanent at that point? Mr. Garges said the other thought too is if the temporary is causing too much problem with room, he doesn't know what the possibility is not even doing the temporary and just erecting the permanent right away. Mr. Williamson said they've got about an 18 week lead time on the tank. It's a fabricated tank. Mr. Maxfield said last time you said you were paying for the gas every day, so it's a financial concern too. Mr. Garges said the earlier conversation with the landfill parking lot, this facility is going to likely outlast the landfill operations, so he doesn't know what the final configuration of that parking lot is, but if we do get to the situation where they are going to have larger tanker trucks, they may want to consider what is around the outside- just something to keep in mind for further down the road.

Mr. Kologie said the possibility of discharging to the Bethlehem sanitary sewer, is that gone? Mr. Williamson said no, that still has possibilities. One of the things they are going to do during the temporary operation is look at more consistently whether they can add other treatment processes so they can discharge and it might be that the Bethlehem Waste Water Treatment Plant may increase their allowability of arsenic and that would make them be able to dispose to them directly. Mr. Hollis said that's why they want to be temporary rather than going to a permanent tank. If they don't need tanks at some point, they don't want to put in the permanent tanks.

Donna Louder, resident, said if there was a special exception made by the ZHB the other evening as they are considering the contents of these storage tanks to be toxic. She has the recommendation by Attorney Heitczman. They are talking about parking a truck on Applebutter Road and running a hose, both connections to the truck and the oil/water separator or wherever they get the condensate from, she thinks that needs to be monitored so nothing ends up on the ground. There was another concern on the Hanover Engineering paperwork that stated if there was a crack in the second wall, it would not be visible right away. She doesn't have that paper in front of her. There's a recommendation by Hanover regarding that too about the second wall, if they would not see that crack in the tank. If the storage tanks need to be monitored when they are hooked up to be emptied out, and there has to be protective gear worn. She thinks the consideration of having these trucks driving safely in and out on Applebutter Road is a major concern, so if need be, we need to make sure the space is available for these trucks to drive in and out.

Mr. Miller said you might notice their letter is about a third the length it was last time. That's because a third of the things are planning issues that are still applicable. A third have been addressed and a third are of the nature that relate to the operations of the PPC plan and they've put that as a condition that the PPC plan be reviewed by an outside agency. They've accepted that and things of that nature that you are referring to fall underneath that. You won't actually see that comment in their letter. They make reference to it in Section D.

Ms. Louder said wonderful, thank you.

Mr. Landis said he doesn't believe they are talking having the truck on Applebutter Road and running any hoses down Applebutter Road. The discharge of the tanks to the truck would not be on Applebutter Road. That would be done inside. Mrs. Yerger said it's more of a traffic safety issue of backing up. Ms. Louder said her husband is a police officer in the Township and there was as situation with IESI. There was a car parked along Applebutter Road right at the entrance of IESI. The gentlemen was waiting for someone or meeting someone, but one of the tractor trailers coming out of IESI could not maneuver the turn onto Applebutter Road. That's how narrow it is. Two tractor trailers on that road is a little tight.

Mr. Landis said they'll go over Hanover's letter. Mr. Miller said they believe it's very straight-forward. Section D of their letter refers to what he was talking about earlier. Mr. Hollis said it's not whether they comply or not, the one thing on General Comments with No. 10 where it talks about the plan revisions, he'd like to say he was the one who requested the most current or land development plan that was on record in the City of Bethlehem or Northampton County. That's what they worked to. That's where they started to make their mark-ups. They were told there were later revisions. They went to IESI and got some from their engineers. They are more than willing to mark up whatever set of drawings LST wants them to if it can be identified. They requested them of Chris. Chris, generously, after they paid the copying fee, provided those to them and they started back in the December timeframe. They don't have an issue marking up proper prints or drawings, but they'd sure to love to know what the proper set is. That's just a general comment. They will comply with it as long as they know what it is that is supposed to be marked up.

Mr. Maxfield said what is your question? Mr. Miller said they've spoken to the design engineer's firm and there are two different comments there. The first one is the latest plan revision sited. They revised to meet most of Hanover's concern. The only thing they still have outstanding is the reference of Sheet 1 of 21 and Sheet 1 of 14 which makes reference to a last revised plan that their office has never seen. That would address comment 1. If there's something out there that's recorded that they never seen, they sure would like to know that too. Mr. Maxfield said you need confirmation that this it the last plan. Mr. Miller said they'd like to see it because if there is something they are not aware of, there's an issue. Mr. Williamson said they are in the same boat. If you know of something they don't see, then they don't know either. Mr. Guest said why don't you point out what is referenced and then they will have to go to IESI. Mr. Hollis said or remove the note. Mr. Miller said that will address their concern. They now have a concern that there's a plan that's being referenced that somebody says exists, that HEA doesn't know about, which they should know about. He's surprised we're talking about this at the P/C meeting. It's sheet 1 of 21, they've not seen that revision of the plan - the October 10 revision, sheet 1 of 21. The second comment refers to the top right of the plan, it references the last plan and it should state the book and page, where that plan is recorded. Mr. Garges said the last recorded plan is the BRE Plan from 2007 which is what we gave them. There are the four IESI plans which were approved, but not yet recorded. Mr. Maxfield said could you possibly get one of those plans as a reference.

Ms. Pereira said she thinks there are several waiver requests that are mentioned, but they also submitted the formal waiver letter. Mr. Landis said they won't approve them now. Ms. Periera said they do have to make an amendment to the one waiver request. It's not listed on HEA's letter as a waiver request, but is included in their letter. It's C.5 on page 2, Sections 145-33.C.D and 34.C. In their letter, they have listed the March 28, 2013 from AMEC, Item 4, they only reference Section 145-33.C. The three sections listed in HEA's letter all relate to the same issue that they have listed, so orally, they would like to amend their waiver request to include not only Section 145-33.C but also 33.D and 34.C and they will re-submit a revised letter for the Township's files.

Ms. Pereira said Item 9 in HEA's letter, they will comply with that. They will have a signature block placed on the plan for BRE's signature. Mr. Maxfield said at the top of the page, No. 13, everything has an address, not just a posted address? Mr. Garges said it's all under the landfill, 2335. Mr. Miller said it's recommended.

Mr. Landis asked if anyone had any comments about the waivers? Mr. Miller said the waivers seem reasonable.

Mr. Landis said anything we're looking for is how the trucks are going to get in and out. Mr. Hollis said they understand that.

MOTION BY: Mr. Noble moved to table this agenda item.
SECOND BY: Mr. Maxfield
ROLL CALL: 6-0 (Mr. Kennedy – Absent)

V. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – NOVEMBER 29, 2012

Mr. Landis said are there any additions or corrections? No one raised their hand.

Mr. Landis said there was no quorum at that meeting, so the minutes don't have to be approved. Mr. Maxfield said do these get posted on the website? Attorney Shafkowitz said they do not get posted on the website. Mrs. Yerger said it was just discussion.

B. DRAFT ORDINANCE NO. 2013-01 REVIEW & COMMENTS

Mr. Landis said this is the review of the draft ordinance 2013-01. It has to do with the height of the building in the RA zone. Mr. Garges said it's more of a shed. The reasoning behind this ordinance was to prevent what some consider unsightly, but the truck bodies, tractor trailers being turned into accessory structures, etc. It's basically something to put some requirements to exactly what an accessory structure is as far as your typical shed. Mr. Landis said this doesn't really change the height in the RA or the R40? Mr. Garges said no. The only thing that really changed in this ordinance was D. Mr. Kologie said that would include those pod structures? Mr. Garges said correct, turning into a permanent structure. You would need to make a recommendation to the Council.

MOTION BY: Mr. Lychak moved to recommend to Council the approval of the Draft Ordinance 2013-01.
SECOND BY: Mrs. Yerger
ROLL CALL: 6-0 (Mr. Kennedy – Absent)

C. 2012 ANNUAL REPORT

Mr. Garges said this is the 7th or 8th one he's done for the P/C. It's pretty standard. You can see there wasn't all that much activity that happened last year. There were a total of six meetings. Last year there were no joint meetings. If that's something the P/C wants to open the channels up again, he can reach out to the Borough of Hellertown. He will get dates and see which ones work. The 10-year rolling chart is numbers, but it's pretty interesting to look at. There's a bounce back from last year when you get down to total permits processed, it's back up to 481 which is basically going back before 2008 that we've seen that many. Mr. Landis said the increase is not in homes being built. Mr. Garges said the big one you can see was the highest year we had in the last 10 years, additions, conversions, alterations, decks, patios, so people are staying in their houses and doing improvements. Swimming pools have been fairly consistent. Mr. Landis said the junkyard in commercial, you have to redo them every year. Mr. Garges said yes, it's the same ones every year. Mr. Landis said good work.

D. DISCUSSION OF POTENTIAL ZONING ORDINANCE REVISIONS

Mr. Landis said we want to work on potential zoning ordinance revisions which ones we think should be worked on and what priority they should be worked on.

- Nursing home use is currently not defined. We are going to turn it over to someone else as to what defines a nursing home.

- Repair shop versus service station. Currently, it's all in the gas station repairs. Certainly the things that get done in a gas station are not the same as an auto body shop. A gas station is a separate one. The auto body you have paint. There is collision and repairs. Mr. Maxfield said not just considering paint, but also sandblasting. You are talking about the convenience store like a Wawa, or a Sheetz. Mr. Landis said he's not sure whether it should be two or three, but he believes they should be separate.

- Doggie Day Care – Mrs. Yerger said is this different than kennels? Mr. Garges said this is different from kennels. Right now that's all they have is the kennels. When he gets the phone calls, he has to refer to the kennel ordinance. Now-a-days, it's separate as we even have the one in Hellertown right now. You have more traffic repeat. They do have kennel regulations. Mr. Lychak said you can put a kennel in any RA? Mr. Garges said only RA for kennel. The Doggie Day Care may need something that's look at in more commercial areas. Mr. Maxfield said about five years ago on Black River Road, we had something going on with a Doggie Day Care and the neighbors were against it, so maybe we need to establish a standard.

- Flea Market Use – Mr. Maxfield said what do we do if someone wants to go into a vacant store and run a flea market? Would that be a business? Mr. Garges said usually a flea market, typically, is not your normal business hours. It may be a weekend thing or a Friday, Saturday, Sunday. If someone wanted to have a flea market in a store, it would be permitted, it's retail in one sense. Mr. Maxfield said in old food stores and department stores in other municipalities, there's a lot of flea markets. Maybe one other thing we should consider here is a lot of them are running auctions on weekends. Mr. Shafkowitz asked if there was a special use permit for that? Mr. Garges said no. Mr. Miller said flea markets are usually space run. They are multiple cellars, one property owner, many, many vendors. Mr. Maxfield said even times they are consignment. There are all different forms. Mr. Garges said that's where this came up with. The fire companies are looking ways to bring in revenue. Mrs. Yerger said there are also properties up for sale on Route 611 that were once commercial sites, and since they are not turning over fast enough, they are opening them up as flea markets on the weekends, at least getting some income in. Mr. Lychak said there may be temporary ones versus permanent ones like the one on Water Street. The fellow up on Friedensville is permanent now. Mr. Garges said it's still active on the list, it's more funding right now. Mr. Lychak said that was opened years ago. Mrs. Yerger said the ones on 611 will stay in business until the property sells. Mr. Garges said next to the car wash, they come every year. They have somewhat of a special use permit. It's under temporary stands and offices so some of that's covered. Mr. Maxfield said there are people who have regular yard sales. Maybe we need to kind of look at all of that stuff. Mr. Garges said how he interprets the ordinance and what he has been telling people is you shouldn't see any flower stands, firework stands in LST unless they provide all the information they need too which none of them have, and then he won't issue a permit for them. Mr. Maxfield said a yard sale is just a permit? Mr. Garges said they don't have anything for a yard sale. Mr. Maxfield said when he moved in his place 15 years ago, he got a permit to have a yard sale. Even flea market, that's people showing up on the weekend and paying $10 for a table, you don't want to make it too tough on them. Mr. Garges said personally he doesn't' have a problem with a yard sale. The ones that are there all year, every weekend, that's a different story. Mr. Landis said it's almost tied into the special event. Mr. Garges said what brought this to his attention was when they went through the exercise with the Meadows, looking through his files, at one point he wanted to put a flea market in his lawn area weekends during the day, and if we permit that, we have no regulations that say how many vendors per square foot, parking spaces, no regulations at all.

- Banquet facilities/restaurant. Mr. Garges said with the banquets, you will have parties come in and may have three or four parties where a restaurant is more table. There may be different hours for a banquet. Mr. Landis said he thinks it could be incorporated into restaurants somehow. Mr. Kologie said it's a different type of use. Mr. Garges said where this one came up, not only the Meadows, but Woodland Hills. We haven't seen any action there for awhile. Mr. Maxfield said Se-Wy-Co and their primary use is a fire company house which is to be rented to make money for them, but then you have a banquet facility in there. Leithsville is like that also. Mrs. Yerger said she thinks Woodland Hills can handle bigger numbers than a restaurant. That can be a traffic thing. Mr. Garges said he thinks we should have standards for it.

- Mini storage areas – Mr. Garges said in Appendix A, it's recognized as a use, but no where else in the ordinance are there any standards for anything in there, maybe heights, travel lanes in between. Mrs. Yerger said there's no definition of what a mini storage really is? Mr. Garges said no. Mr. Maxfield said we have on out on Applebutter Road. Mr. Garges said we have a use defined as storage yard, but that use seems to get more into what you see at Eastern Prestress out on Easton Road. When Pichel went in, that was kind of the use they went under. The regulations didn't really cover the concept that was put in.

- Contract services – Mr. Garges said you're not really big enough to have as shop, but you're operating out of your house with some lawn mowers or small pieces of equipment. Mr. Lychak said he knows some municipalities restrict that you can't have a tow truck in the driveway or a truck with a sign on it that indicated you were operating out of that place. Mr. Garges said we have to take that into consideration as there are a lot of people who drive work vans home and the simply park them by their home. Mr. Lychak said is there any ordnance about parking of a tractor trailer cab? Mr. Garges said the ordinance has some provisions that does not allow parking a commercial vehicle in a residential area. The definition of commercial vehicles is pretty hard to meet unless it's truly a registered, commercial vehicle, large truck, CDL requirement, those types of things. The caveat gets into like we see Black River Road under the PennDOT bridge, tractor trailers parked there, but that's actually PennDOT's property, their right-of-way. We can't site anybody because PennDOT owns the property and our police can't cite there as there are no parking signs there. In a residential area, a tractor trailer for ordinance is not permitted. The commercial vehicle has three different criteria to be enforceable as a commercial vehicle. We can look at that, as it's an and/or and everything has to fit. Mr. Maxfield said what about the refrigeration trucks.

- Getting back to the yard sales, Mr. Noble said if you have someone having a yard sale every week, you might want to put a little bit of teeth in how many times you can have it I a year. He's not talking about flea markets. Mrs. Yerger said even if you do it quarterly, it keeps a control on it and let's people have a little bit of enterprise. Mr. Garges said he wouldn't mind if it's quarterly and if we start to have a problem with a person and the neighbor has the problem, they can document it and he has no problem being involved in the enforcement and filing the civil complaint. We can't do that unless we either see it or they testify it or if there's no ordinance on it. The intent would be to regulate hours, maybe regulate signage. Where this came into play was when Sands came in, and you have a facility where people need money quickly, then your pawn shops start to pop up and the character of the neighborhood is different. That's why he put that down there. He's not arguing either way, he's just throwing it out there. Mr. Maxfield said why don't we look at which zone we'd want these in, if at all. Mr. Garges said where you would see it are two commercial corridors where it could come in. Mr. Maxfield said zoning wise we'd have to see where a pawn shop would fit the best and we can limit it like we did with porno shops. One other one that came up today and he's only had in the eight years he's been here and only had one previous call was one thing we don't touch on at all is any kind of aviation, like an airport. The call today was a heli-pad possibly. Mrs. Yerger said that came up once before. Mr. Garges said that was the only other time and it was on Saucon Valley Road. This was at Lehigh University. Mrs. Yerger said they bought an estate and had the capacity. Mr. Garges said we have zero regulations. It would be FAA regulated, but we have no regulations for it, so we couldn't stop it. Mr. Maxfield said the zone you'd put it in the most, the RA would be where you wouldn't want it at all. Who wants that next to a park or a house? Mr. Garges said you limit to a certain size of parcels and setback and what comes along with that are the personal grass ways and those types of things. Mr. Noble said then you are looking at 4-wheel drive and ATV's. Mr. Garges said we have an ordinance for ATV's. Mr. Maxfield said we can put this one on the burner and think about it. Mr. Garges said especially with Lehigh, they say anyone who flies in with a helicopter, they fly into ABE and they pick them up there, but someone said they have the Goodman Campus. Mrs. Yerger said they really don't need that much room. They land at St. Luke's all the time.

- Mr. Maxfield said he's looking at some areas in the Township where there are some existing businesses and we may have talked about CB1 or CB2 in the past, but just looking at our zoning map, he's looking at our zoning map to see where we can open some limited commercial opportunities for people.

Mr. Landis said how do we approach this? Obviously we need technical help. Mr. Garges said there are two options. One is if anyone wants to go through and read sections of the ordinance and see what their specific comments would be. Other than that, it would be something the staff would kind of take a look at and make some suggestions. Mr. Lychak said some examples from other municipalities would be helpful. Mr. Garges said we can do that. He has a lot of that already. The signage one is very updated. We started with that looking at that as it came up with the Rave. It's then cleaning up the stuff we don't have and we are open to like getting some provisions for the nursing home, the repair shop, gas station thing and probably the airport, some type of aviation thing. Those would be the ones for him. Mrs. Yerger said do you have anything more progressing than others? How about the banquet facilities and doggie day care? Mr. Garges said yes, the doggie day care. For banquet, we don't have any standards, so if someone would propose one right now, what we have now is grandfathered. He'll do the flea market and banquet facility for them.

Mr. Garges said we spoke at our last staff meeting, and we have a few ordinances we had started to look at. We talked about having one of your future meetings open to Council as well and do it as a workshop type thing. We have wind regulations for turbines and windmills. We have lighting and solar which are probably the biggest ones and we have the subdivision and land development ordinance update, a presentation on kind of what the new one could look like as far as what the four step process would be if the board wants to carry forward with that. That's something we may look to do in the next couple months. They are not mentioned in here, but are areas that are kind of hot right now, and we don't really have many regulations for.

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS – None

VII. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment.
SECOND BY: Mr. Lychak
ROLL CALL: 6-0 (Mr. Kennedy – Absent)

Submitted by:

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Mr. John Landis, Chair