

I. OPENING

CALL TO ORDER: The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, April 15, 2010 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. John Landis, Chair, presiding.

ROLL CALL: Present: John Landis, Tom Maxfield, Haz Hijazi, Craig Kologie; Dan Miller, Engineer from Hanover Engineering; Chris Garges, Zoning Officer; Kevin Kochanski, Planner from Boucher & James; Linc Treadwell, Solicitor and Jr. Planning Commission members Jameson Packer and Eubin Hahn. Absent: John Lychak and John Noble.

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

None

III. BUSINESS ITEMS

A. L&P REAL ESTATE HOLDINGS – MEADOWS GROVE LAND DEVELOPMENT #LD 01-09 – 1770 MEADOWS ROAD (TIME LIMIT 04/29/10)

Present: Dennis Benner, Attorney for the Meadows; Russell Lubnecker, applicant; and Mr. Mease Mease, Engineer. Mr. Landis said they are before the Planning Commission this evening as they will be going to the Zoning Hearing Board (ZHB) for a number of special exceptions used and a number of variance uses. The structures and the locations are on the site plan. These structures have been there for many, many years. Some have migrated over the years. The attempt from the Township point of view is they want to bring this into compliance to see what variances would be required and see whether the ZHB can grant those variances and bring the property into compliance. Before Council and the ZHB it goes to the Planning Commission first.

Attorney Benner said he asked Mr. Mease to prepare a drawing and a chart of the relief they are going to be going to the ZHB for. This will be Exhibit A which will be attached to the zoning application. It's an organized way to try to understand what is occurring here and what we are doing here. The listed numbers, 15a, etc., on the left hand side of the chart are the various components they are going to be looking for relief. There's a corresponding number on the right site plan. Those are the areas that are in question and the areas that are the subject of discussion. It's a way to try to get an understanding of what's where. Mr. Mease is going to go down the chart and point to the corresponding section of the site plan. If the board pleases, they will just go in order. If you have questions, please ask.

Mr. Mease said the front yard setback is depicted on the plan and 40 feet off the ultimate right-of-way line. The existing trash collection area is located here and part of it is located behind the setback line and a portion in front yard of the setback line. He's going to go down through these and if you have a question, please stop him. 2B, talks about the side yard with regards to the holding tanks. The property is served by public water and two holding tanks. The holding tanks are each 5,000 gallons in size. They are right here along the property line and installed about ten years ago. They were installed so they are at an elevation where they are above the flood plain. They are located along the westerly property line in the setback area. Mr. Landis said, in which, they aren't supposed to be in. Mr. Mease said they are supposed to be out of the setback area. The side yard is 30 feet and they are five feet from the property line. Mr. Kologie said there's no availability of public sewer to the site? Mr. Mease said public sewer is not available. Mr. Kologie

said how does our ordinance address front yard? Is it defined where the principal building is on the site and anything in front of that is the front yard? Mr. Garges said it's based off the road, the right-of-way. Mr. Landis said that's where the road is. Mr. Mease said the third one talks about the rear yard. The rear yard is 40 feet and there is a shed located and it's approximately 20 feet off the property line. The fourth on, 2D is a side yard for a deck. There's a small deck and that deck is just a few feet off the property line. That is for people getting married, for pictures. Attorney Treadwell said is that a deck attached to another structure or is it a stand alone? Mr. Mease said it's free standing, just a little platform. Mr. Hijazi said you are mentioning these structures because you are looking to get a variance from them or are you looking at removing them to comply? Attorney Benner said they are looking for variances at the ZHB to allow to have them remain. A great deal of the structures predated a lot of the zoning ordinances in the Township. Not all of them, however, some have migrated. They'd like to maintain the structures as they are. We'd like the Township to know exactly what's there so it's clear what is permitted. Mr. Mease said let him clarify something. They have two tax properties parcels. You have the tax parcel R7-10-2 which fronts on Meadows Road. That's about two-thirds of the property. There's another landlocked parcel that is R7-10-2a which is located to the rear of the plan. The proposal here is to combine them and consolidate them as one property because the use is being performed on both properties. They can consolidate them as one as some of the structures have never appeared on plans in front of the Township before, and that's why when we are consolidating them, they do have some items that are outside the building setback lines. Mr. Maxfield said the current lot line goes right through the building? Mr. Mease said correct. Mr. Hijazi said he hasn't seen those items, but the trash collection area, would that be moved to comply? Is it a fixed structure or could it be moved? Mr. Mease said you have a stone area, you have a fenced area that is attached to the ground and you have your dumpsters inside of that. Could it be moved? Sure. Mr. Kologie there's not really much of a hardship there as there's plenty of other areas on the property you could locate it. Scott said the main reason was it was easy for the guy who came in to empty the trash. Mr. Kologie said based on the plan, it wouldn't take more than 30 or 40 feet to get it out of the front yard and comply with it.

Attorney Treadwell said maybe it would be helpful to the PC what the current use of the property is. He doesn't think it's been before the PC before and everybody who lives in Lower Saucon probably knows. Mr. Mease said he'll switch to the overall site plan. This shows you Meadows Road. There's the entrance into the Meadows and the parking area with the landscape area in the middle. The banquet facility is located here. The use for the whole property is listed as a restaurant – banquet facility. There is a small banquet facility located behind the main one. There is a raised wooden deck behind the small banquet facility that a tent can be placed on. The creek is located along the easterly property line of the Meadows. This is all very level and flat and along the westerly boundary, the topography rises up in elevation. Mr. Maxfield said from a zoning standpoint, the restaurant/banquet use, is that a use or is it two uses? Mr. Garges said what they have there is an existing non-conforming use that doesn't necessarily fit into any of our current pre-existing zoning ordinance uses.

Mr. Mease said No. 3 says a variance is to exceed 25 feet of expansion of non-conforming use by 3,683 square feet. What they've done is No. 3 on the plan, the shaded area shows you the configuration of the large banquet facility prior to this addition that was added.

Mr. Mease says No. 4 talks about permit maximum coverage to exceed the pre-existing non-conforming coverage by 5,722 square feet. That's an impervious coverage variance requirement.

Mr. Mease said No. 5 is relief from site capacity calculations. Basically this is the property is in the 100 year flood plain.

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Mr. Mease said No. 6, they have eliminate the need for buffer yards. They basically have a creek all alongside the easterly side. The number of plantings located along the westerly boundary, and there's not much room you could put much more buffer here along the creek side.

Mr. Mease said No. 7 talks about the parking based on the calculations in the ordinance. They do not comply with the parking requirement and so they are asking for a variance for the parking that is there, and Russ feels the parking he has is sufficient. Mr. Landis said that's calculated on the square footage of the restaurant? Mr. Mease said it's based on the seating in each of the banquet halls. Mr. Landis said how many seats are there? Mr. Mease said there are 350 in the large one and in the smaller one there are 60 seats. There's a maximum of 20 employees. If you add all of that together, you need one parking space for each two seats, so you would need a total of 225 parking spaces. Mr. Landis said there are only 122. Mr. Mease said no, only 103. Attorney Benner asked Russ if all the banquet facilities were used at one time? Russ said when they first bought the property, in 1991, because the gun club was using the field as the parking lot, their field was a parking lot when it was drawn up. He drew 100 some spots in the field as for overflow; they parked in the field just like the gun club. If they are busy, they park in the field. He has 300 to 400 parking places on his property. He just bought Mrs. Murray's property which is at the end, and he bought the property across the street. Attorney Benner said have you experienced difficulty in accommodating parking? Russ said the only time he had trouble was when Miller Blood Bank came and there were 1,000 people there. Mr. Landis said you use the overflow parking of the field, so you do have trouble all of the time. Russ said they used a shuttle van and they pick up people at the Holiday Inn. They walk to work. He's never had a problem other than the Miller Blood Bank. Mr. Kologie said you park in the lawn area. Russ said that's been used since the 1950's. Mr. Kologie said you have the parking; it's just not necessarily marked up. Russ said correct. It's on the old drawing. When Bill Diehl was the engineer, the field showed almost 200 parking spaces. Mr. Landis said why don't you have it on these plans? Mr. Garges said it's according to the ordinance. Attorney Treadwell said is that overflow parking area used in your normal operations? Russ said in normal operations, his employee's park there. Mr. Kologie said the reason you don't show it as an improved area as it increases your impervious coverage and your variance? Mr. Mease said yes.

Mr. Mease said No. 8, a variance required to provide off-street loading berth of 30' vs. 65' long and 12' wide vs. 14' wide. Their loading berth right now is in this area and they sized it based upon what their normal deliveries are. The ordinance requires a much larger loading and unloading area. They established one that is working fine for them and they don't need a larger one.

Mr. Mease said No. 9, variance from Section 180-102.C(2)(j), present lighting is pre-existing and type, design, and shielding data in unavailable. They have parking lot lighting here and they do not know what the criteria is for that lighting. That lighting has been in there for many years in the plan that was put together. They are not proposing any new lighting. They never had any data for the lights in the back.

Mr. Mease said No. 10, variance from Section 90-23.C.D.E; 90-25.B.C and 90-26.A.B. – he will deal with the fact that this is a floodplain and the structures are in that. There are certain criteria that you are supposed to comply with regarding the flood plain. Attorney Benner asked how long they have been operating like this? Russ said since 1989. Attorney Benner said have you had a lot of parties and functions there? Russ said they do an average of five to six weddings a week - a couple thousand people each week. Attorney Benner said when you have several or a number of weddings per weekend, have you encountered any difficulty down there? Russ said no.

Attorney Benner said in a nutshell, that's what is going on down there. Some of the board members probably have been down there. It's been used by many different organizations throughout the years. Even Township functions have occurred down there. You can't really change what's occurred. It's been there for years and years. They are trying to do the best they

can. Attorney Treadwell said from the Township's perspective, obviously some of the things you see on the plan were built without Township knowledge or permits. The idea is to try to establish a baseline from this day going forward. The ZHB may grant some relief, they may not grant some relief. Once it gets past the ZHB stage, at least the Township will have an idea that A, B, C, D, are permitted. E, F, G aren't permitted and there will be a baseline that can be established that this day forward anything new happens on that property will need to come in and get the proper approvals.

Mr. Landis said everything's already been built, so he doesn't know what our role there is. Attorney Treadwell said probably the best way to proceed would be No. 3 of the Boucher & James letter, which is the site plan requirements to make sure these issues have been addressed and will be put on the plan.

Mr. Landis said let's go through the Boucher & James letter. Will you comply with No. 3? Attorney Benner said Item No. 3 is reiterating what they have on their Exhibit A. Attorney Treadwell said that's the idea. He just wants to make sure the site plan is in the correct state it needs to be in to get to the next stage. Mr. Kochanski said he has not reviewed that exhibit, so he can't attest to the items in their review letter. Those were the outstanding items that they identified when the official submission came into the Township. He doesn't know what has been or what hasn't been addressed from the outstanding items they do have. He knows that lighting was an issue, but he believes they were requesting a variance on the lighting level since they were older lights and the net data from those lights could be difficult to obtain. Item 3e, subsection k requires a description and elevation view of all structures. He doesn't think that was a specific variance request, but just one of the things that popped out as he's not necessarily seeing it on that site plan. Mr. Kologie said in terms of what would be expected to that? Mr. Kochanski said as far as the site plan requirements go, the zoning ordinance really lays it at the PC's purview to determine what is appropriate for the site plan for each application. Mr. Garges said the site plan is supposed to be commented on and reviewed by the PC before it goes to the ZHB. The site plan requirements in the zoning ordinance outline numerous areas that should be looked at as part of the site plan. That's what Mr. Kochanski has gone through. Subsection (k) that he referenced is existing. Could it be as easy as visual description and photographs? Possibly or request relief from it. Attorney Benner said they could possibly take photographs and give you a presentation as to what those elevations look like. He thinks to the extent that the ZHB is willing to grant relief on the application will be before them. He still needs to come back to PC for a real plan. He thinks at least on one level here, the preparation of a detailed site plan would be a lengthy and expensive process. If the ZHB is not going to grant that relief, they might mitigate the costs associated with this. Mr. Garges said maybe the PC could just go through that list and if there is anything glaring, they could point that out. Mr. Landis said there are a lot of details that the ZHB may not need. Mr. Kochanski said some of the items are technical in nature as in the scale. Mr. Landis said let's go through O. Some were already addressed.

Mr. Kochanski said in subsection A, that requires a location of scale not less than 1" = 50 feet of certain specific features/structures within 100 feet of the property. Not all of the existing structures within 100 feet of the property line were shown. Mr. Mease said they looked at that and kind of approached it as are there affected structures that they should put on their plan. Will this have any affect on anything? For instance, the creek running along the easterly side of the property creates quite a buffer already. There's one question, would you have certain specific structures you'd want to see and they could provide an aerial that shows you beyond that area what is surrounding the property. Mr. Kochanski said one suggestion would be an aerial photograph. Mr. Landis said particularly for the ZHB.

Mr. Kochanski said 3B, subsection (f) requires the plans to show all zoning data for the proposed buildings, structures or uses, including height, number of floors, and building total floor area. Mr. Mease said that is not on the plan, but he has no problem adding that. He said when he did surveying and plan preparation for this property originally, they did the front property and did not

do the back. They did not do what was really necessary to solve the sewage issue. They didn't come before the PC and didn't do a definitive of everything that was there. There's where the problem comes in of what was done and when, so they are right now giving you a complete picture of everything that is there now. Mr. Maxfield said is that entirely correct, the non-granting of a variance of the ZHB means what to those structures? Attorney Treadwell said they come down. Mr. Maxfield said we're not just establishing a baseline. Attorney Treadwell said what he meant by a baseline is once the ZHB makes its decision, whatever it may be, there will then be a baseline. They will either say okay to the garbage collection being in the setback or they will say no, it's not okay. If they say it's not okay, then it moves. Then we will have at that point the baseline of the garbage area is not permitted there or it is permitted there. The same with the rest of the variances as you go down the line. Mr. Maxfield said their role tonight is to just to establish what is existing or not. Attorney Treadwell said your role tonight is to look at the site plan and see if it gives you enough information to say, okay, it's comprehensive enough for the ZHB to look at and make a decision. Is there anything else you would like to see on that site plan document that they don't have on there now? That's why going through this list is helpful. Items A and B appear to be a will comply and they've said they will put that on the site plan. Mr. Kochanski said in Item B specifically as it would give them the total square footage and what's really going on inside the buildings.

Mr. Kochanski said 3C, subsection (g) requires the plans to include the owners' signature and a statement indicating his approval of the plan. Mr. Mease said that is the certification block on the plan, but it's not signed.

Mr. Kochanski said 3D, subsection (h) requires the plans to indicate the dimensions of existing and proposed off-street parking and loading spaces and circulation drives, and to provide projected volumes of vehicular and pedestrian traffic using the site. Steve said it's accurately surveyed on the plan. They can add dimensions. They show the number of parking spaces and directional arrow, but nothing beyond that. Attorney Treadwell said you don't have directed volumes, or any estimate of what the actual traffic is coming to that facility on any given day? Russ said he can come up with the exact amount of people for the last two years. Mr. Kologie said there may be multiple people in one vehicle. Should the lawn area be identified as an overflow parking area? Should you request some type of relief to use that as you do rely on that? Mr. Mease said he thinks it's appropriate to show it. Russ said it's only the weekend's people park there. Attorney Treadwell said it's being used, so you might as well put it on the plans. That doesn't mean it has to be paved.

Mr. Kochanski said 3E, subsection (i) requires the plan to show the location, size, and type of proposed landscaping and buffer plantings, and the designation of those areas of natural vegetation not to be disturbed. Mr. Mease said they are asking for a variance from the buffer yard plantings. It is probably prudent to take this section also and add it for zoning for their application.

Mr. Kochanski said 3F, subsection (j) requires the plans to show the location, type, design, shielding, and hours of operation of all existing and proposed exterior lighting. It was one of the variances that were identified. They do have the location shown. The hours of operation are not shown. Russ said they are allowed to pick five hours on a Friday, Saturday or Sunday. Mr. Landis said all you need to do is show it on the plan. Mr. Kochanski said the hours of operation is referring to the lighting. Attorney Treadwell said when do the lights go off? How late do the lights stay on? Are they on a timer? Russ said about 10 PM to 11 PM on a timer.

Mr. Kochanski said 3G, subsection (k) requires a description and elevation view of all proposed structures. We discussed that earlier and will probably be addressed with some photos.

Mr. Kochanski said 3H, subsection (l) requires the plans to detail the location, size, design, color, and illumination of all proposed signs. He thinks there was a sign located on the plans, but any

additional information on the plans may have been lacking that information. Mr. Mease said they can measure it and put it there and take a picture of it.

Mr. Kochanski said 3I, subsection (m) requires the location and description of water supply, fire protection system, sewage and storm water management facilities, and supporting calculations. Mr. Mease said the on the plan , it says it's a public water supply. He has to talk to Russ about fire protection. Russ said no. Mr. Mease said they have the sewage facilities on there, two tanks. There are no storm water management facilities. Mr. Kochanski said he thinks Mr. Miller's letter will address some sewer issues, so we can move on.

Mr. Kochanski said 3J, subsection (n) requires the location of buildings or structures listed in or eligible for the National Register of Historic Sites, and the estimated date of construction of all existing buildings and structures. There's two parts to this - one being the historic and one being the date. Attorney Treadwell said to put on the plans an estimate of when the buildings were on and then subsequent additions had occurred.

Mr. Kochanski said 3K, subsection (o) requires a project narrative providing information regarding the proposed uses. Russ said he can do that.

Mr. Kochanski said 3L, subsection (p) requires certification that the utilities to be provided are adequate for the intended use. Mr. Mease said with regards to utilities, they know the sewer is holding tanks. He spoke with Jeff Hough at length, and determined they are sufficient for what is there today and what's being used today. The water is public. Mr. Kochanski said the primary concern was for sanitary. Mr. Mease said Mr. Miller has mention of that in his letter. Mr. Garges said there's a 1,000 gallon tank for the smaller banquet facility? Mr. Mease said yes. Mr. Garges said is that part of what Jeff was looking at? Mr. Mease said he talked to Jeff about it, but they sized everything based on the two 5,000 gallon tanks for everything, even though the small one is 1,000 gallons. The 1,000 gallon one gets used. It's not tied into the two 5,000 gallon ones. Russ said it doesn't get used much as it holds only 30 to 40 people. Mr. Garges said the smaller facility doesn't do any washing there? Russ said no washing and no cooking. Mr. Miller said it's a spec that's not above the flood elevation. Mr. Maxfield said are the two 5,000 gallon tanks above? Mr. Mease said yes. Mr. Landis said does that require a variance for the 1,000 gallons below the flood plain? Mr. Miller said yes, for the floodplain ordinance. Mr. Landis said he doesn't know if you are asking for that variance or not. Mr. Mease said that has been there as long as there's been a structure there. They could run it to the other easily. Mr. Landis said it's not a good idea to have a 1,000 gallon tank under the floodplain. Russ said it would be easier for them to run everything into just one anyway. Mr. Landis said from a standpoint of what happens when it flood, it's probably worth just getting rid of the 1,000 tank. Put a note to that, as it would be a reasonable improvement. Mr. Mease said he would say they tie the banquet facility right over to the two 5,000 gallon tanks and eliminate the 1,000 gallon tank. Mr. Garges said go get a permit from Jeff before you do it.

Mr. Kochanski said 3M, subsection (q) requires copies of all required permits and supporting documentation to be furnished to the Township. Mr. Kochanski said permits such as the permit for any building expansions or any permits from the Department of Health. Any permits that could affect the operation of the site, the Township should have copies of it. Mr. Mease said he's not aware of any.

Mr. Kochanski said 3N, subsection (r) requires the location and elevations of all passing and failing soil test trenches, percolation tests, proposed primary and replacement drain field areas, and all soil test results. Mr. Mease said there are none, these are holding tanks.

Mr. Kochanski said 3O, subsection (t) requires a traffic impact study be submitted for all land uses exceeding 250 trips per day. Mr. Mease said they have not done a traffic study. Mr. Kologie said

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are we aware of any traffic problems with relation to the facility? Attorney Treadwell said there have been discussions at the Council level of ways to improve some of the traffic situations on Meadows Road. He wouldn't know if we had any problems with the Meadows. Mr. Garges said the only thing he could think of is overweight delivery trucks going over the bridge, but that's not necessarily the applicants fault. Russ said they don't let the trucks go over the bridge. Mr. Garges said you tell them that, but do they listen to you. Mr. Mease said since this is operated for a very long time if we anticipate what the expansion has been and what's been there for many, many years, and whether it warrants a traffic study. Mr. Landis said it's a different situation as it exists. Mr. Kologie said we normally do a traffic study to find out what is happening. Mr. Garges said the Police Department awhile back made some recommendations which are probably on the plan already. Mr. Mease said they required some signages which are on the plan. Mr. Maxfield said there were Hanover studies also on that area. Russ said some lady came down and asked about parking cars there for the rail trail. Anything he can do to help, he's willing to do. His employees have been there 20 years. The Township could use both lots and Mrs. Murray's property and the lot behind the dumpster, which would give them almost four acres around that bridge. He'd be willing to donate the use and that would open up a lot of territory. That would help with the turn around. Mr. Garges said the turnaround was if the Meadows were ever turned into a one way coming from 412. Russ said he's a grandfather, and his grandson is at his house all the time and cars come flying down at that corner. Sometimes he thinks it should be one way. Mr. Garges said that's a Council decision.

Mr. Kochanski said they did go back to their files and the Police Department did issue two memos. The first was from March 12, 2009 with some traffic flow suggestions. Those have been incorporated on the plan. The most recent one dated April 7, 2010 does not include any comments including traffic flow. It looks like those issues may have been addressed.

Mr. Landis said they will go over Hanover's letter of April 8, 2010. Mr. Miller said essentially until they have public sewer, they need to have the holding tanks. Mr. Landis said they have the recommendation of all the sewage going into the two 5,000 gallon holding tanks as they are above the flood plain.

Mr. Landis said this will come back. Mr. Maxfield said do we make any recommendations on any variances? Attorney Treadwell said you don't make a recommendation to the ZHB. You only make a recommendation as to whether the site plan as you've seen it tonight is adequate to move forward to the next step or do you need to see some of the items the applicant said they will comply with again before it goes to the next step which is it will go in front of Council before it goes to the ZHB.

Mr. Landis asked if there was any comment from the audience. No one raised their hand.

MOTION BY: Mr. Kologie moved to recommend forwarding the site plan to Council with the following conditions: 1. Compliance with the Boucher & James letter, dated April 8, 2010; and removal of the 1,000 gallon septic holding tank servicing the smaller banquet facility. The entire facility shall be serviced by the two (2) existing 5,000 gallon septic holding tanks.

SECOND BY: Mr. Maxfield

ROLL CALL: 4-0 (Mr. Lychak and Mr. Noble – Absent)

B. METRO PENNSYLVANIA PCS LLC – METRO PENNSYLVANIA PCS SITE PLAN #SP 01-10 & CONDITIONAL USE #CU 01-10 – 4105 SHERRY HILL ROAD (TIME LIMITS – SITE PLAN 06/16/10 & CONDITIONAL USE 04/24/10)

Present: Attorney Jack Worst representing the applicant; Mr. Walstenhome, the site design engineer and Bill Blessing, RF Engineer.

Attorney Jack Worst said this application is for co-location of six antennas on an existing 160' tower at 4105 Sherry Hill Road in the RA zoning district. The application also involves the addition of three new equipment cabinets to operate the antenna. Those equipment cabinets are going within the existing fence compound and on an existing concrete slab. This is an application where they are not increasing any kind of imperious surface or really have any impact on the ground. What's up on the board presently is a site plan showing the location of the site as well as the existing tower. There is not much more to the application than that. It's a cell tower co-location application. The review letter from Boucher & James they can work through. Mr. Landis said if you are going to comply everything in the letter, that is fine. It's not necessary to go over every detail if you are going to do it. Attorney Worst said as a general matter, yes. They are willing to comply with what's set forth in the letter. There are a couple of things that are questionable, like applicability. They need to check out D & E which have to do with the distance from the airport and whether or not they need to provide any additional notices based on that. They don't think they do, but that's something they will verify and represent to the ZHB. There are other items that simply have to be addressed with the addition of plan notes or through testimony. They do have a structural already. They are only at 74% of capacity. They should be okay that way. Mr. Landis said coming back to E, you just need to demonstrate that you are within or not within five miles of the airport. Attorney Worst said they will do whatever works out. Mr. Garges said this tower had a co-location maybe two or three years ago and the ordinance has not changed, so he wouldn't anticipate anything. Attorney Worst said they will address it through documentation and testimony. With respect to the site plan calculations, that is the one thing they wanted to raise with the board. They are listed A through K. This application only involves the addition of an antenna up in the air. They are not disturbing anything. A through I are sort of traditional requirements that one would anticipate when there's a land development and earth disturbance coming down the road. They like the PC's opinion on whether you really thought those things were necessary. J and K, they don't have any hazardous materials, but can put a note on the plan to that affect. Section K, they already have a copy of all permits already, so that is redundant. Whatever approvals, authorizations, licenses, they are going to provide them anyway. Mr. Garges said they usually come as part of your building permit package. Attorney Worst said the bigger concern was things with such as showing contour lines on an application where they are not just doing that much. Mr. Landis said coming back to A through I, the one thing, you do have F? Attorney Worst said they will have their authorization presented at the hearing. That will take care of it. Mr. Landis said he doesn't know about A through E. Mr. Kochanski said these were the technical requirements given the nature of the development. Attorney Worst said there isn't really that much to it. They will be going to Council on April 21, 2010.

Attorney Worst said the one question he had was in regard to the plan revisions for the presentation of the conditional use hearing. They certainly will say they are willing to change, and so forth, get another set of plans which would be tough. Attorney Treadwell said he doesn't see any reason to see a new set of plans before you go the hearing and in front of Council. Attorney Worst said they will address it through the hearing. Attorney Treadwell said if you get feedback from Council, that they need to see A, B, or C on the plan, then they'll deal with it at that time.

Mr. Maxfield said is there any additional lighting proposed? Attorney Worst said there is security light over the equipment cabinet which will be on a time in case someone has to come there at night they can see their way into the equipment cabinet. Otherwise, no. Mr. Landis said you are going to put it on a pad, so it's an existing structure. Attorney Worst said it will be on a 30 minute timer. Mr. Kochanski said that specific item is raised under comment 1B, regarding the light and they plan to put a 170 watt bulb. They were just asking for additional information on the timer.

Mr. Miller said they do not have any outstanding comments. Mr. Garges said the last thing was the Knox padlocks. The PD does have the Knox systems in their police cruisers as well as the fire companies do have a key. You were copied on it. The Knox key is the same key throughout the township and can only be released by the County 911. Attorney Worst said there would be one

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located on the gate itself? Mr. Garges said they are talking about the compound gate as well as the gate at the bottom so there would be two. Attorney Worst said he's not sure if they will talk to the property owner and the tower owner and mention about the key. Something is going to have to happen. Mr. Maxfield said whenever they do a service call, they have to call 911? Mr. Garges said the owner may have provided a key at one point, and they may have it on a key ring, but as owners over time provide keys or change locks and forgets theirs, usually they can work it out and they can still use their own lock or either one would open it, as long as you get in touch with the owner and the fire department or Police Department.

MOTION BY: Mr. Maxfield moved to recommend Final Site Plan and Conditional Use approval for the Metro Pennsylvania PCS Site Plan and Conditional Use Application, subject to the following conditions: 1. Compliance with Boucher & James, Inc. letter dated April 8, 2010.

SECOND BY: Mr. Hijazi

ROLL CALL: 4-0 (Mr. Lychak and Mr. Noble – Absent)

C. SAUCON VALLEY LP – RAMZI HADDAD – 2200 WASSERGASS ROAD LAND DEVELOPMENT #LD 05-05 & SITE PLAN #SP 02-05 – 2200 WASSERGASS ROAD (TIME LIMIT 05/24/10)

Mr. Landis said we are trying to get this site plan so we feel it's adequate to go in front of the ZHB.

Attorney Jim Preston, counsel for the application, Ramzi Haddad, Applicant, and Sue Kandil, Project Engineer from Jena Engineering were present. Attorney Preston said they are back here for the site plan. The reason they are here is because it's one of the stops on the way to the ZHB. Primarily what they are here for is the use, and that's been couched two different ways on the zoning appeal. One is they are couching as a special exception to change the non-conforming use, and in the alternative they are asking for a use variance. Either one of those takes them to the main issue which is use. There are two other collateral issues that are involved. The one is a buffer yard issue that has to do with an existing tree line. We talked about that last time and is in play here this evening. The one is the issue concerning parking. They've requested an issue from parking as they do not have adequate parking for the use they are proposing. The existing use has been treated as a school use. The use they are proposing is an office use. You should have a memo describing what they plan to put there, offices, then more science related applications. You'll see in there that might cause concern in the proposed uses and that is light assembly. When he read that, it seems to open the door for people to be building things there. That's not their intent. The light assembly should probably appear under the heading of computers or research technology. The light assembly would only be applicable to that. They wouldn't be building engines or things to that nature. The light assembly would apply to the high tech of this operation. That's pretty much it. They did go back and Sue Kandil has worked with your consultants. He's been told that they are pretty much at the point where the items that are not on the plan or have not been discussed are more appropriate for land development review, but they can wade through that if they need to. They are here primarily to discuss the use. They need to know how they did with that list they provided, if it's acceptable.

Mr. Landis said the light assembly is a door that's rather opened. He's not quite sure when you talk about professional office, you list those things and similar occupations. He doesn't like to see the word similar occupations as he doesn't know what that is. He would rather see what you got or expand the list to be specific. He would rather see us tighter on this. Mr. Kologie said if you put the period after psychologists and end it there. Mr. Landis said he's not quite sure what you are talking about whether it's computer based research or a professional office that does computer work. Attorney Treadwell said the question is, is there a reason why No. 5 is a specific use. Is there a use that your client has in mind that meets that definition? Attorney Preston said he asked him to take a look at no. 2. If you put the period there, after psychologist, that could settle the matter. Attorney Treadwell said engineers is in there already, add architects after psychologists.

Mr. Kologie said just because you don't list them here doesn't mean you can't come back before the Township and ask for a use. Attorney Preston said his concern is if this gets to the ZHB and these get incorporated as conditions, just lifted up and made a condition, that's what the list said, he would have done that to himself. He has to be careful with that. Mr. Kologie said even if they were conditions, that wouldn't preclude you from coming back in the future and ask for that list to be expanded by one or two. Mr. Hijazi said what if he wants to add insurance agent. Mr. Kologie said the burden is going to be on them to be specific and detailed as possible while giving the Township the assurances that they are okay with the uses. Mr. Haddad said what about an insurance agency that just does commercial. It sounds like a retail walk-in. That's a professional office. Mr. Landis said if you say insurance, you could be retail, and a guy comes in and gets license plates there.

Mr. Haddad said the property as it sits is off the beaten path. He doesn't think that anybody who is looking for retail customers are going to go and relocate there. He didn't want to be presumptive and ask if there are any customers to rent there, as he doesn't know if the use will be approved. He didn't go out and solicit customers. He doesn't want to limit himself to saying these are the uses. He just wants to say professional office. Mr. Landis said from our standpoint, that could be opened up to something that is retail and has a lot of trips, other kinds of problems we wouldn't want to see there. Mr. Kologie said it's not our goal to limit you to uses. Our goal is to know what you might put in there. He doesn't care if you give a list of 200 things and they might take ten of them off. Just list out all the uses that you think you may want to put in there instead of having a general heading. Attorney Treadwell said you don't want to create an ambiguity, so a year from now we're arguing if it's a similar occupation. Attorney Preston said can we agree that architects would be able to reside there. PC said yes. Attorney Preston said we'll put a period after architects and move on. Mr. Maxfield said if they needed to try a different use like Counselor, what would it be? Attorney Treadwell said we could add some language on to the professional office. You could leave, if you wanted to, similar occupations, if approved in writing by the Township Zoning Officer, or Township Council, which would then allow for them to come in and say how about this and then that would allow Chris Garges or Council to say okay, that's similar. Mr. Maxfield said with your recommendation, make it say Council because they are responsible to the people in the community. Attorney Treadwell said you could add and similar occupations if approved by the Township Council. Attorney Preston said that would fit their needs. They can strike 4 off the list. The light assembly is problematic Let's strike 3 and go to 5 where it says computer based research office and incorporate it under there so it's assumed under computers. No. 3 and 4 are gone. Mr. Landis said what is No. 5? Mr. Haddad said he'd like to do like a computer incubator like Ben Franklin up at Lehigh. One of the things they said they do is software research, hardware, computer. The light assembly came was from Ben Franklin. They do computer chips. He's trying to gear the building towards that, but he didn't market it yet, so he doesn't know. Everybody he talked about the incubator, they liked it.

Mr. Maxfield said something we might not want is like polling, where you are entering it into a database, telemarketing. Mr. Landis said it's such a vague thing there. Mr. Hijazi said what's wrong with telemarketing. Mr. Landis said that's lots of people. Mr. Kochanski said the parking is going to dictate what tenants occupy the building. If there is limited parking, it's going to steer who will be able to go in there. Attorney Preston said they could list that as an exception, they don't have a problem with that. Mr. Haddad said it's a business geared towards computer research or creating some kind of chip. Mr. Maxfield said if you had technology in there somewhere, that might clear it up a little bit. Attorney Preston said sure. Attorney Treadwell said the big question is, is Chris comfortable with computer technology based research office. Is that enough of a limitation for when someone comes in for a new occupancy to say, yes, that is part of this use, or no it's not. Mr. Garges said maybe some type of statement on the end and that way does not include any retail sales. Mr. Kologie said it's more research and development than anything else. Mr. Haddad said absolutely. Mr. Maxfield said why don't we say computer technology research and development. Mr. Haddad said he can also limit the computer retail, and put that as an

exception. Attorney Preston said would it be computer technology research and development including light assembly related and just strike the rest of it? Mr. Landis said he would put the exception of manufacturing and retail. Mr. Garges said we can use their definition they have there and put in "excluding manufacturing assembly and retail". Mr. Maxfield said Mr. Garges would then interpret it. Attorney Treadwell said that's why he thought it would be helpful to say Mr. Garges is comfortable with it or not because ultimately the first place they'll go is to Chris and say J. M. Corporation wants to move in here, and here's what they do, does that fit in here? Mr. Garges said this is fair and precise. Mr. Kologie said Chris is going to be the one who interprets what it says. Anything that is new would go to Council. Attorney Preston said if they could get the venue of uses, we don't need to go any further than that. Mr. Garges said he thinks the only other concerns he had, and he hasn't talked to the applicant about it yet, but under their conditions and limitations, 2, 3 and 4, some of the things that are referenced in there are from the Township's standpoint, and pretty hard to put a handle on. We don't always have the capability to measure something like that. He was thinking maybe a caveat on those three that would say if there is any question, the applicant shall hire credible professional in that field to provide documentation that they are complying. Attorney Treadwell said we don't necessarily have a sound meter, so if there's a question that the sound level is exceeding 60 decibels, then the owner of the property is going to have to show us that it doesn't or hire somebody. Mr. Maxfield said like No. 3, site specific, the view off the back end of the mountain and the neighbors off that back end of the property is beautiful and we don't want any glare going in that direction and want to control that kind of thing. Just to be neighborhood friendly. Mr. Garges said the caveat for 3 and 4 would be that the burden of proof of compliance would be the responsibility of the applicant through an independent or third party professional in the field, agreed by the Township or in some form of term like that. Going back to BRE, where they hired the sound professional. Mr. Landis said most of these refer to 180.96 and why don't we just use all of 180-96. You sort of have ones that are partial like the first one which is really 180-96, No. 2, no activity is allowed to raise the temperature by two degrees or more by the lot line. That's really 180-96, why don't we use what's in the ordinance rather than that. Attorney Preston said in some of these review letters, they are told that they are sort of pulled out of that section by themselves, so they plug them in individually. If the review had just said comply with that section, they probably would have put that in there. Some of the reviews actually break it down. That's why it was put back in. It is more convenient to just stay with 180-96. Mr. Landis said you actually have them in there except 2 is really b. Mr. Garges said we can just say the burden of proof of compliance with Section 180-96 is on the applicant upon the request of the Township and documented by professionals in the field as approved by the Township. That would cover all 180-96 under that statement. Mr. Maxfield said if we go over the plan later on, we can make specific conditions for specific things, and then have a general. Mr. Landis said under b, unless you have some idea, activities that employ the use of heat or produce heat as a product of activity, shall be located...he doesn't know why you would drop that phrase. Mr. Garges said that statement could cover that whole 180-96, and the burden of proof would be on the applicant if it's a condition of the ZHB and they don't prove it, then they are in violation of zoning and could be enforced through the zoning mechanism. Mr. Maxfield said is that talking about exterior heat or interior heat? Mr. Landis said it doesn't specify interior or exterior. Attorney Preston said they are not seeking any variances or deviations from that section.

Mr. Maxfield said is No. 8, 180-96(h), the outside storage? Ms. Kandil said it's storage for the building by itself.

Mr. Garges asked Attorney Preston is he wanted to revise the narrative and send it over per what they talked about? Attorney Preston said he can. Ms. Kandil said she will get it to Mr. Garges tomorrow.

Attorney Preston said the buffering. Ms. Kandil said there are trees along the westerly and easterly sides. Mr. Maxfield said what do you have planned for around the detention pond? Ms. Kandil said they have a screening. Mr. Hijazi said you are basically saying there are wooded trees in there

and that, in your opinion, is good enough? Ms. Kandil said yes. Attorney Preston said they are asking for a variance. They are not saying there's no buffering. There is buffering, but the question is, is the buffering adequate and if it's not, then they are asking for a variance in those cases where it's not. Mr. Kochanski said there are two issues. It's not raised in their most current review letter because their most current review letter focused on the site plan review and did not get into land development issues. We specifically note that in there. Going back to his March letter, they did raise some of the issues similar to the neighborhood protection. They recommended supplemental screenings be provided right in that vicinity of the property line where the parking areas were to mitigate the impacts, but supplement the existing vegetation that was there. Ms. Kandil said that's what they were proposing. Mr. Kochanski said they are fine with that. An issue was the basin where they made recommendations on seeding and naturalizing the basin and they indicated that would be something they would address and comply with at the land development stage.

Attorney Preston said that brings them to the final reason they will be going to the ZHB and that has to do with parking. There's a relationship between parking and impervious, both of which are regulated by the ordinance. If you move one, you have to adjust the other. They have a building of a certain size. The first issue is the ordinance requires that you base your parking calculations on gross square footage which would include all the hallways and so forth. If you do that, you are going to end up with a requirement of 336 spaces. The existing impervious is 27.63. To get to the 336, you are going to push the impervious up to 42%. If we don't do that and just use the net space, which is the office space, exclusive of the hallways, then the parking calculation would require 185 spaces. The corresponding impervious for that is 32. Currently, they have 120 spaces with an impervious of 27.63. The 27.63 doesn't conform to the 25% in this zone. We exceeded that already to 27.63%. If they were to expand that in the confines of the ordinance, the ordinance is 25% increase in existing non-conformities. If you applied that 1.25 to the 27.63, you would get to 34%. This is not making any sense, which is beyond both the 120 spaces and the 185 spaces. It seems that to use the gross building act, given the fact that it's an existing building and they are not trying to create something outside of the confines of the ordinance; they are trying to use something reasonably within the confines of the ordinance. If they are forced to use the gross area, which translates into 336 spaces, that pushes the impervious up to 42%, which is probably not a good idea. It's probably not necessary. He's been told in reality they probably wouldn't need that many spaces, so they are seeking relief. The relief you request depends on how you phrase the question. They are phrasing it from relieve from the parking requirement. They are saying if they have 120 spaces, initially they are asking to leave it at 127 spaces, leave the 27.63 which is existing impervious and be done with it. That's their initial approach to it. Mr. Maxfield said it's a little weird. His only problem is now they are applying a use to the structure that it was never used. Attorney Preston said he agrees. Mr. Landis said they've been burned with parking space versus gross surface area already. Attorney Preston said he understands that. Mr. Hijazi said the term gross space, the last time you were here, you were talking about removing the hallways and what would that get you? Mr. Landis said the ordinance bases it on gross space including the hallways. That's how they calculate it. You don't start pulling out hallways and reducing the areas so you have fewer spaces. The ordinance is based on gross unless if you had something in the building that truly wasn't office. Attorney Preston said if you were designing an office space, which is probably what this ordinance does anticipate, the design of newer buildings, you wouldn't put these wide hallways that are in a school building, you just wouldn't do it. It's an existing building, and you are right, it wasn't intended for this use. Because of that, there's some things in this building in terms of excess area that you would never find in an office building with a modern design. Mr. Landis said if you used the modern design and had the same square footage, that's where you come up with 330 spaces required. Attorney Preston said that's what they are up against. Mr. Hijazi said how did you come up with the 195? Attorney Preston said that's net. Ms. Kandil said excluding the conference room. Attorney Preston said there are other things than the hallway. Ms. Kandil said the conference room is roughly 3,000 square feet. His intent is not to rent this conference room. It's only to serve as an office building. Mr. Maxfield said that would be hard to control or

monitor. Ms. Kandil said they can put it in as a condition. Mr. Maxfield said how do they police that. Attorney Treadwell said you can't police that. The question is, in order to meet any parking requirements, whether they use the net area or the gross square footage, you need to increase the impervious. If the idea is that they should meet the parking, then they are going to need a variance to increase the impervious. You get over your allowable increase in the special exception so they'd need a variance to go higher on impervious. If you leave the impervious where it is, then you're stuck with the parking that exists. Mr. Hijazi said they are going to need a variance regardless. Either or on this question. Attorney Treadwell said the existing impervious is what it is. It's already there. It was there as part of the school and the non-conforming use. Any expansion of that impervious is going to need some type of zoning relief. Maybe another way to handle it is to have a reserved type of parking area that is designed and engineered to be paved, if at some point the Township says there's a problem with parking there. It should be dealt with at this point so it doesn't turn into a new application to the ZHB. If the PC is okay with that, then the idea would be to leave x number of spaces as grass until the Township requires you to pave it and make it parking. Mr. Maxfield said then we're kind of taking increments in both directions? Attorney Treadwell said it will be a little of a compromise each way as opposed to saying just leave the parking and don't worry about it or make the impervious huge and have extra spaces that you may or may not need. Mr. Garges said would there be some form of security attached to that? Mr. Maxfield said is the parking lot paved? It should be. Mr. Garges said it doesn't have to be the whole amount, but some form of incentive. It may not be Ramsey that owns it, but twenty years down the road, he doesn't even know how you would do it. Attorney Preston said it's done in other areas. They just did this in Bethlehem Township. It's in their ordinance. They use a special exception process to conditionally reserve that. Attorney Treadwell said Mr. Garges is talking about to financially secure the cost of the improvements. Not necessarily 100% of the cost of the improvements, but almost like a construction bond or something. Attorney Preston said the way it's done there is it becomes a condition of the approval. Attorney Treadwell said it's done in those Townships's without the financial component. As a condition of the approval, if the condition isn't met, then you shut down the use. Attorney Preston said that's exactly right. Mr. Landis said he has a real problem with it as you have a 47,000 square foot building and you have 120 spaces. If that were all filled with people, no way. If you have 120 spaces, that will only cover 17,000 square feet. Until you rent out over 17,000 square feet, he's not necessarily sure you need to have any more parking spaces, but once you do, he is willing to bet those aisles are too big, and you can cut down on that a little bit, and it seems you are going to have at least 120 to 150 more spaces available to the build out of the building. The 120 spaces and 47,000 square feet, forget it.

Mr. Kochanski said with the parking being held conditionally in reserve and as applicants are coming in and the Township is monitoring it, at this time it becomes a discussion of how much do we want to hold in reserve and to what level that would increase the variance request for impervious coverage. If you want to do the full 339 spaces, then you could do that. They would just have to know that up front and as applicants are coming in and the Township is noticing there is an issue, Mr. Garges would have to say, you need another 30 spaces. The increase could be incremental. It doesn't have to be 120 to 339. As long as you plan it out for the 339, it can be constructed and they have an idea of the impervious coverage. As applicants are coming in and as the building is occupied, then you can look at incremental increases in the parking area to meet the need. Mr. Landis said 339 doesn't have to be the top number. Attorney Preston said he wants to follow up on that. That is exactly correct because that would tell them what they would have to do in front of the ZHB and they would also need those numbers on the plan because you have to review and approve the plan based on a certain parking capacity. Mr. Kochanski said as Mr. Miller mentioned, storm water would come into that as well. Mr. Kologie said that's not as easy to implement as adding parking spaces. You might have to build your storm water to the full capacity and then incrementally do your paving. Mr. Maxfield said we are in the carbonate geology area and watershed area, so limiting the impervious would be a good thing. Mr. Landis said he thinks you are going to have to up the impervious and up the parking spaces and do it in an intelligent way in a phase way. Mr. Maxfield said the reserved parking delineated on the plan, how many

spots is that? Attorney Preston said that was for the 185 with the 32% increase. Ms. Kandil said it was only for the 25,000 square foot of office building. Attorney Preston said that was consistent with the intermediate level, the 185 space and the 32%, that's where that came from and that would map into the net office space. Mr. Kochanski said the net office space still excluded the conference room and that was a concern that may need to be addressed. Attorney Treadwell said if you add the conference room back in, how many parking spaces do you need over the 185? Mr. Maxfield said 210. Attorney Treadwell said you have 90 extra spaces to show. Mr. Landis said that might not be enough. He can't say it is or isn't without looking and that's an engineering thing. Mr. Kologie said that will impact the lease ability of the building. Mr. Garges said when you spoke to Ben Franklin, was there a way to check as they just went through an expansion up there. Is there a way, did they use the 140 as well? Mr. Haddad said he did not get into that. The 47,000 square feet also includes the boiler rooms. This is open space they are not going to use. If you see those 8 to 10 feet wide hallways, he is not going to touch them. Mr. Landis said you can come back and say you have a boiler room in there that is 10,000 square feet, for example, and that comes off the 47,000 and also the wide aisle, so you can come down into the buildable area to apply the 140 just as a starter. Mr. Haddad said they have 47,000 square feet gross, and they are saying the net usable office is 29,000 square foot but excludes the conference room. If he applies the 140 to that, they are getting to 185. Mr. Kologie said it helps you by providing that extra space if you need it. Mr. Haddad said the use of that building, the customer is going to come in and demand parking. If they don't have parking, that customer is not going to come to his building. He's not proposed to have a reserved area and that he would go and pave it. He's doesn't want to start the paving as he likes the open space. If need be, he's not opposed to paving and complying with whatever you want. Mr. Kochanski said one thing that will be important is if you go the route of the conditional parking spaces is those areas will have to be designed to meet all other ordinance requirements and if not, we're going to need what specific setback, buffering, all those types of issues need to be complied with. If not, then there's going to need relief granted. Mr. Kologie said Mr. Kochanski's point is you might as well get all those things done now and identify all your issues and only go in front of Council once instead of going back and forth. Mr. Kochanski said there are comes challenges out there on the site with steep slopes and things like that. You are going to get those details worked out. There are some level areas where you had the previous reserve, then there's down hill from that, but we're now getting outside of just a simple expansion of the parking area. There are steep slopes that need to be contended with and other ordinance regulations that need to comply with or be identified as relief that is needed. Mr. Maxfield said were you eliminating the parking in the front? Ms. Kandil said no. Mr. Landis said he'd like to see more of a presentation showing that you got this 47,000 square feet, and get rid of the stuff like the aisles are too big, you got a boiler room, state your case, so your net is this, and that means so many parking spaces. Mr. Kologie said take your floor plan, common areas and floor plans and subtract all that out of there. Mr. Hijazi said if you don't plan to rent out the conference room, add some language on the use. Mr. Kochanski said the applicant did provide some architectural of the building layout, but they were difficult to read some of the square footages and how things were, but they have done, to some extent some of that information. Attorney Treadwell said the second corresponding issue that goes along with that is once you get to a number whether it's 210 or whatever that number is, can you actually build it without needing more relief, and you don't know that. Attorney Preston said they don't know what the upper bound is. Attorney Treadwell said if you as the applicant believe that when you take the 47,000 and subtract the wide hallways and the boiler room, whatever else, and what number you get to and are at 210, can you build the extra 90 spaces on that site without needing other zoning relief. That's something you want to know before you go to the ZHB because if you can't then you need more relief. Attorney Preston said or he needs to adjust the number. We would take the approach that we want to do as little violence to the topography as we can, so if we bump up against the slope requirement, we would probably rather stop there and be permitted to use some type of reduced parking number. Mr. Kologie said define what your parameters are and then work within that number based on that. Attorney Preston said philosophically if we take those approaches, then we will bring the plan back for you to look at. Would you prefer we follow that line of reasoning or would you prefer to see the spaces and ask us

from relief from slope regulations. Which would you want? Mr. Maxfield said he thinks the numbers and the impervious can take a little hit, but they don't want to see it blasted into, especially the impervious. Not many more than we have to. Mr. Landis said on the other hand, you have a building with people in it and they have to park somewhere. You'll end up with a problem.

Mr. Haddad said he doesn't want to end up with a problem and ultimately he's not anxious to go and spend millions of dollars on that project and then he can't get anyone there because there isn't any parking. He wants to balance that. Mr. Landis said that's why the phasing will work. You get some people in there and you got the space, and when you try to go to more space, that's when you have to go to a bigger parking lot. Mr. Maxfield said he doesn't know what the setbacks are in the front, but that's a much more level area than in the back. The front may be more expandable and looks like less work. Mr. Landis said he thinks we need to get enough information from the building plan for us to be able to make an engineering decision. Attorney Treadwell said this version of the plan that is showing now, shows 211 with more parking to the side and front without any more relief. Mr. Landis said the big thing to do is come up with the number of parking spaces, and then when you have that number, you deduct the space that is not office, then we go from there. Mr. Kochanski said from the building footprint standpoint, the 29,000 including the conference room, what specific area does that exclude? He doesn't know if the PC is interested in hearing that, but if we know the specific areas excluded and what they consist of, that may end up solving the problem and if that is truly the true net office area. Mr. Maxfield said the code width for a school hallway is obviously wider than for a business. That could be subtracted. Mr. Kologie said the commons, where the kids would congregate in the morning, that's obviously the foyer, and it's something that could be reduced. Mr. Landis said there is some spaces that you do not have to count, so work with our Engineer to come up with a net buildable space and convert that into the parking. See what that does to the plan. The one thing we decided tonight was you could use the phase in approach which would allow you to lease the building.

Mr. Landis said do you have enough sewage? Attorney Preston said yes. Mr. Landis said and alternatives? Ms. Kandil said they submitted the plans to Boucher & James and Hanover Engineering, and they have enough.

Mr. Maxfield said they had some questions last time about the filtration system that was installed on one plan and was or was not supposed to be there. Ms. Kandil said it's a pre-treatment facility and that was designed for the garden apartments because it needed extra capacities for its existing system. Since the office doesn't use as much, they don't need the pre-treatment facility. The capacity of the existing septic system now is more than what they need. Mr. Garges said in a situation like this, you are just washing your hands and flushing the toilets. Mr. Kologie said this is less than 10,000 gallons a day? Mr. Haddad said it's 800 to 1,200 maximum versus what it was at the school.

Attorney Preston said he was under the impression that the items, the site plan list, what was missing from that list, are things that would be deferred to the land development plan review. At least that was the advice of the consultants. He'd like to know if that is the case. Mr. Landis said we just need to make sure there's enough for the ZHB. Attorney Preston said you're right, they picked up on a few things, but everybody has been talking, and we're at the point where we're okay.

Attorney Treadwell asked Mr. Kochanski if there was anything on that list of site plan requirements that sticks out as something that since they will be back next month, anything that needs to be shown on the plan when they come back? Mr. Kochanski said the carbonate geology there was a report submitted and HEA was reviewing it so they were deferring that to them. The owner's signature was a standard thing. Mr. Landis said how about a traffic study. Mr. Miller said they think it's fine for these purposes. It should be noted in their review letter regarding the

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minimum lot size on the basis of sewage use. It seems to be very close in compliance. It should be a variance you are requesting. Mr. Kochanski said the only things he's taking note to in the site plan requirements are lighting and the applicant has indicated the lighting is going to be dusk until dawn. In the residential area, that would have some concern. The location of the lighting was shown on the plans and there was a note indicating they were dusk until dawn. Mr. Landis said you could cut some of those hours, why do you want to light the parking lot all night. Ms. Kandil said you also need it for safety reasons. Mr. Landis said he the level you may need on 5:00 PM on December when the employees let out for security may not be the same and you can cut down the number of lights. Mr. Kochanski said he would agree that all the other comments on the site plan would be things they indicated they would comply with at the land development.

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – MARCH 18, 2010

Mr. Landis asked if there were any additions corrections on the March 18, 2010 minutes.

Mr. Hijazi said on page 1, the last paragraph, should read "There will be no retail, no manufacturing, nothing of that nature." Page 7, third last line, should read "Mr. Hijazi said were they for geologic and water supply?"

MOTION BY: Mr. Maxfield moved for approval of the March 18, 2010 minutes, with changes.
SECOND BY: Mr. Hijazi
ROLL CALL: 4-0 (Mr. Noble and Mr. Lychak – Absent)

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

VII. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment. The time was 9:25 PM.
SECOND BY: Mr. Lychak
ROLL CALL: 4-0 (Mr. Noble and Mr. Lychak – Absent)

Submitted by:

Mr. John Landis
Chair