

1 **I. OPENING**

2
3 **CALL TO ORDER:** The Planning Commission meeting of Lower Saucon Township Council was called to
4 order on Thursday, April 19, 2007, 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr.
5 John Landis, Chair, presiding.

6
7 **ROLL CALL:** Present: John Landis, Chair; Fran LaBuda, Secretary; John Noble, Hazem Hijazi; Tom
8 Maxfield; Brien Kocher, Engineer; Chris Garges, Zoning Officer; Linc Treadwell, Solicitor; Rick Tralies,
9 Boucher & James; Steve Kircher, Jr. PC Member. Absent – Craig Kologie and Steve Kirchner, Jr. PC
10 Member

11
12 **PLEDGE OF ALLEGIANCE**

13
14 **II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

15
16 **III. BUSINESS ITEMS**

17
18 **A. SMITH BROTHERS DEVELOPMENT LLC – DRAVITZ MAJOR SUBDIVISION FINAL**
19 **PLAN #MAJ-02-06 – 2845 COUNTY LINE ROAD – TIME LIMIT 06/15/07**

20
21 Mr. Landis said you received letters from HEA and Boucher & James. Present: Dan Smith, Terrell
22 Smith, and David Martin, Keystone Engineering.

23
24 Mr. Landis said we'll start with the Boucher & James letter. Mr. Martin said they had no issues
25 with that letter. Mr. Tralies had no issues either. Mr. Landis said what about the HEA letter?
26 Terrell Smith said the big thing here is the open space and it depends what is going to happen with
27 the open space. They went to Council and Council really made no decisions. It was left as they
28 were going to look at conservancies. Comment 1 has to do with whether or not the Township does
29 take the open space and accepts the dedication. If not, that shouldn't be a problem to comply with.
30 Mr. Landis asked if it will affect the design or not? Dan Smith said he doesn't think it will affect
31 the design. It goes into information for Council's decision. Mr. Maxfield said there is a
32 recommendation from the EAC certain things to Council about the disposition of the open space
33 and contact was made with Wildlands Conservancy. He doesn't know if they contacted the Smith
34 Bros. Development, but they haven't gotten back to the EAC. Dan Smith said he was supposed to
35 meet them out at the property a couple of times, but he doesn't know if it materialized. Mr.
36 Maxfield said one time they couldn't make it, and one time Mr. Smith couldn't make it. They need
37 to get back to us with information like the cost for monitoring and things like that. Mr. Kocher said
38 everything else in the letter are legal item check lists and some minor plain details. Mr. Landis
39 asked if anyone had any questions or comments? No one raised their hand.

40
41 **MOTION BY:** Mr. Maxfield moved to recommend approval to Council subject to the Boucher & James letter
42 dated March 21, 2007 and the HEA letter of April 12, 2007

43 **SECOND BY:** Mr. LaBuda

44 Mr. Landis asked if anyone had any other comments or questions? No one raised their hand.

45 **ROLL CALL:** All in Favor: Yes
46 Opposed: None

47
48 **B. RICHARD WOODRING – HILLS OF POLK VALLEY MINOR SUBDIVISION PLAN**
49 **#MIN 02-07 – POLK VALLEY ROAD – TIME LIMIT 007/13/07**

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1 Scott Mease, Mease Engineering and Dick Woodring were present. Mr. Mease said this is a 10 lot
2 subdivision and it's now being revised. There are two tax parcels. There are 7-1/2 acres on Lot 1,
3 7-1/2 acres on Lot 2 and 10 acres on Lot 3. It's in an RA Zoning district with a two acre minimum.
4

5 Mr. Landis said let's start with the Boucher & James letter. The things you can't comply with or
6 have some question, let's bring them up. Mr. Mease said comment no. 6 talks about the open space
7 and it mentioned a fee in lieu of the required open space may be acceptable at the discretion of
8 township council. That's the direction they would like to proceed and he wondered if the Board
9 would give a recommendation that it would be left up to the Council. Attorney Treadwell said it's
10 a Council issue.
11

12 Mr. Mease said comment no. 7, the site plan, he spoke with the engineer and it sounds like they
13 have to put a number of notes on the plan and the notes will satisfy that comment. If that's the
14 case, they don't have a problem with that.
15

16 Mr. Mease said the last item would be comment 8C, it says the location of the three proposed
17 homes appear to require greater disturbance than is necessary. We recommend the plans be revised
18 to propose the homes closer to the bottom of the hill to minimize disturbance of steep slopes and
19 away from existing tree lines in order to minimize woodland disturbance. The plan on the board is
20 the record plan. Lots 2 and 3, the houses are located fairly close to the road. Lot 1, the house is in
21 the middle of the lot. Lot 1 you can put the house back at the wood line. Lot 2 is stuck in the
22 woods centered on the lot, but closer to the road. They chose the locations they felt comfortable
23 with and would be locations where people would desire to build homes. Mr. Tralies said we are
24 basically talking about a general comment. It's not based on any ordinance requirement. They are
25 proposing the homes in locations of the lot which would be more desirable development wise. It
26 gives them more privacy, further back from the road. They probably have a nicer view off the
27 hillside. The way the lots exist, they are asking them to move the houses around so that they don't
28 disturb as much woodlands so they don't have to disturb as much steep slopes by going further up
29 the slope. It's not based on an ordinance requirement, so as long as they show they meet the
30 minimum requirements for protection of woodlands and steep slopes, they can't make them act on
31 this comment. It's simply from an environmental standpoint we would love to see them move the
32 houses down and disturb less as long as they show that they meet all our requirements, they don't
33 have to. Mr. Hijazi asked how the applicant feels about this comment? Mr. Mease said he would
34 like to keep the homes where they are proposed. Mr. Maxfield said it's a lot of impervious surface
35 with a lot of disturbance and we are in a watershed area. We want to minimize as much as
36 possible. Mr. Mease said that would be all on the Boucher & James letter.
37

38 Mr. Landis said we will go over the HEA letter. Mr. Mease said under Section A2, the township
39 may require comments from the Fire Chief, if deemed necessary. He wants to know how they can
40 take care of that. Mr. Garges said they actually send the plans out to the fire companies. They
41 haven't received any comments but as soon as they do, they will pass them on to the board. Mr.
42 Mease said comment 3, also goes with comment 6 which says, the plan does not show any other
43 requirement frontage improvements nor include cross sections for the road. Improvements the
44 applicant should discuss with the township as to what frontage improvements are appropriate.
45 They didn't have a waiver request submitted, but did fax one over to the township today for road
46 improvements. Procedurally, how do they determine what frontage improvements, if any? Mr.
47 Landis said you have to ask for a waiver. Mr. Kocher said they haven't had a chance yet, at a staff
48 level, to take a look at that waiver. Chris, Roger and Mr. Kocher would go out and look at it, so
49 they don't have a recommendation yet. Mr. Landis said in terms of whether we are going to require
50 curbing the whole length of the property, nobody here is going to go that far. Roads like that, we
51 have not had people go to the full extent. Mr. Mease said some of the reasons for the waiver
52 request is the fact that this being a site is heavily wooded and steep slopes, any time you want to
53 widen, you are going to end up widening quite a bit and taking out quite a bit of trees because of

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1 the slope involved. Comment 4, the plan does not show all required existing features within 500
2 feet of the site. They included that in their waiver request. The question he would have, is there
3 anything of importance within 500 feet of the site that anyone would like located. They feel the
4 houses are pretty far from the property lines. The land around it is not developed that they feel
5 there is going to be an impact on their houses. Mr. Kocher said as long as we don't need it for
6 storm water details when the storm water calculations are finalized, it should be okay. Mr. Landis
7 said we usually ask to see some kind of aerial. Mr. Mease said comment 7 talks about the planning
8 module. They did apply for an exemption, and HEA did sign off on that and that's because since
9 the plan was approved for 10 lots prior, there are 20 plus sites that haven't been approved for on
10 site sewerage on this lot, most being in ground sewage systems. Comment 16, direct residential
11 access to a collector road is prohibited by those sections. A berm, planting, screen, additional
12 20' setbacks, things like that, the only road frontage they have is on Polk Valley Road which is as
13 collector road. The yard is proposing three driveways. The driveways are situated at a point where
14 the site distance is maximized for each lot. They have no problem with complying with a greater
15 front yard setback. They did ask for a waiver with regards to the berm and buffer planting because
16 the lay of this land is such that it slopes up away from the road, so any kind of a berm or buffer
17 wouldn't do anything. The storm water comments, he has a meeting set up with the Township
18 Engineer to discuss this. Mr. Landis asked if anyone had any questions or comments? No one
19 raised their hand.
20

21 **MOTION BY:** Mr. Maxfield moved to table.

22 **SECOND BY:** Mr. LaBuda

23 Mr. Landis asked if anyone had any other comments or questions? No one raised their hand.

24 **ROLL CALL:** All in Favor: Yes
25 Opposed: None
26

27 **C. ABRAHAM ATIYEH – ATIYEH 2200 WASSERGASS ROAD LAND DEVELOPMENT**
28 **#LD 05-05 & SITE PLAN SP 02-05 – 2200 WASSERGASS ROAD – TIME LIMIT 06/05/07**
29

30 Present, Joel Wiener, Attorney, Brian Ritter, Jenna Engineering and Mr. Douglas Hunsinger from
31 Keystone Engineering, and Vic Vittorio with ERG.
32

33 Mr. Landis said this has been before us before. Mr. Ritter said he met with the office many times.
34 He put the plan up and talked about the storm water issues, detention basins, location, discharge
35 downstream, swales, etc. They've done significant testing of wells, septic systems, etc. Mr. Landis
36 said where are you putting the detention basin. Are you going to merge that piece of property in
37 with the other one or keep them as separate properties? Mr. Ritter said that's Mr. Geyer's property
38 who is going to retain easements to do that. He had an approved subdivision plan and what we
39 show on our plan is mimicking what was previously approved by his subdivision plan several years
40 ago. Mr. Geyer said the water problem out there has been there since he can remember. He's
41 discussed it with the township and he was told years ago water runs downhill. Mr. Wiener said the
42 land would be retained by Mr. Geyer. Mr. Atiyeh would be responsible for the building of the
43 improvements to build the detention basin with no cost to Mr. Geyer, full cost to Mr. Atiyeh. Mr.
44 Maxfield asked who would be responsible for the maintenance of it? Mr. Wiener said it would be
45 the Atiyeh property, not the Geyer property that would bear that obligation. It would be an
46 easement for use and the obligation to maintain so Mr. Geyer's property would get the benefit and
47 he would allow use of his land, but he wouldn't bear any of the cost associated with it
48

49 Mr. Landis said do you have any questions on the Boucher & James letter? Mr. Wiener said the
50 second item on the Boucher & James letter is dealing with the on lot water and sanitary sewer
51 requirements. This had been a school with an existing sewage facility on it and existing water
52 supply on it serving the school at the time. The sanitary system that is proposed is a package
53 system, although there will be far less usage per day than existed with the school as an enhanced

1 system from what the school had. There is a request for on lot water to be used on the property.
2 There are a lot of issues about the testing for it. One question is still the possibility of getting
3 public water to the site as an alternative means to the wells on site. There are some concerns
4 dealing with the site that will need to be dealt with at some point.
5

6 Mr. Hunsinger said on the sewer system, the one that is proposed, DEP told them that they are
7 going to have to take the nitrogen out of the waste water. They are going to put in a treatment
8 facility which is going to produce a highly treated waste water that would be suitable for stream
9 discharge. They are proposing to use in ground discharge and put the treated water back into the
10 ground.
11

12 Mr. Hunsinger said that Jeff Hough, in his letter, took issue with the fact concerning an on site
13 treatment facility. According to DEP definitions in their guidance manual within Chapter 71, this
14 is specifically not an on lot disposal system, the difference being that we are treating the waste to a
15 high degree of treatment and we are disposing of it in ground as opposed to using the ground to
16 help renovate the waste water, which is what we would do if we had put in a septic tank. To do
17 that, you are using the ground to do further renovation of the waste water. The system they are
18 proposing must be submitted to DEP for approval. It's not a system that will be permitted by the
19 Township SEO. Chapter 71 definitions specifically address the differences between an on lot
20 system that uses soil for renovation of the waste water and a system where disposing of a highly
21 treated waste water. One additional thing they must do in order to satisfy DEP is a hydrologic
22 analysis to show they don't have a chest of ground water mounding or causing offsite problems
23 with the disposal of the water. That study is underway. It is not an on site system. One waiver Mr.
24 Hough pointed out in his letter that in your Chapter 130 regulations, you say that a community
25 system, and this is a community system, and the regulations say that we can only have 10 units
26 hooked up to a system, so what you are saying is we have to have three systems on site to handle 24
27 units. The letter also says he's seen this done a number of times with septic systems and on site
28 disposal where you put a number of units on one system and a number of units on to a second
29 system. This particular case, we'd ask for a waiver from that provision because since we are
30 putting in a treatment plant that's going to be operated by an operator, it's much more efficient that
31 we have one plant rather than three small plants. We would need a waiver from that part of the
32 Chapter 130 in order to do this. That's our position and where we are with the sewage treatment. It
33 is a system that uses the ground for disposal of the water, but does not use the water for additional
34 renovation for waste water, so we really don't fall under our article 2 of Chapter 130 which deals
35 with central septic systems that use ground for renovation of a water.
36

37 Mr. LaBuda asked if they had a back up system for that? What if that fails for some reason? Mr.
38 Hunsinger said a back up would be the tank trucks would haul it out. Mr. Ritter said it's different
39 than a conventional septic system where you rely on the ground renovation. Therefore, if your
40 primary renovation area failed, you would have a secondary renovation area back up. What we are
41 saying here is the treatment system itself is doing the renovation. It would be a mechanical failure
42 where a piece of equipment would have to be repaired as opposed to ground restoration where we'd
43 have to find a separate area for disposal.
44

45 Mr. Hijazi said are you going to seek an injection permit from DEP? Mr. Hunsinger said it's not
46 really injection. We're disposing of it in an absorption area similarly to what you'd do with a septic
47 tank drainage field, but yes, we have to have this permitted by DEP. There would be a sampling
48 requirement also. If it failed, we'd have to not discharge and we'd have to pump out and haul off
49 and use a holding tank until we took care of the failure. Mr. Wiener said it would be the same thing
50 if a municipal system failed, there's obviously a holding tank capability. From the developer's
51 part, we could put a holding tank capability in there.
52

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1 Attorney Treadwell asked them to explain why is it not an on site system? Mr. Hunsinger said
2 because we're not using the soil for renovation of the waste water. Attorney Treadwell said in your
3 opinion, how do you define it? Mr. Hunsinger said it's a community sewer reach system. In the
4 DEP guidance manual, it says a common sewage collection system with a common on lot sewage
5 disposal system. Mr. Wiener said our contention is we're treating it on site as opposed to
6 discharging the sewage into the field and taking care of it. They are looking at this as a plant that
7 the sewage would flow into this, treated chemically, and it would then flow out as a clean by
8 product, not as the affluent flowing straight through and then into the ground to be handled the
9 normal scope of it. Their request would be that they be allowed to have a single system. There
10 would be one piece of equipment system with an appropriate backup for it to be handled as
11 described by Mr. Hunsinger.
12

13 Mr. Kocher said they recognize that DEP may permit this system differently than a conventional on
14 lot septic system. The real issues are DEP's permit process. The ownership has an ordinance that
15 says here's the type of sewage systems that are allowed in the township. It fits best within the
16 township ordinance definition, not necessarily DEP's definition as a community on lot system.
17 That's our opinion. In reality, what that means is whether or not we need three treatment plants,
18 three drain fields and whether or not we need more than one backup area. There may be some
19 benefit to having one treatment plant. There may be some reasonableness to that, but maybe with
20 the backup areas. Maybe the township wants more than one backup area for the drain fields. Mr.
21 Hunsinger said on the plan, there are backup areas. It's been tested already. Mr. Kocher said if we
22 call it a common or private waste water facility, the ordinance is pretty clear that it is not allowed
23 for residential use. Mr. Noble said if we go beyond and just look at exactly how they designed the
24 system, do you have any experience with the design of this type of system and how dependable
25 they are? Mr. Kocher said if they are municipally owned, they have been okay. He doesn't have
26 much experience with a private owner. Mr. Wiener said it may very well be looked at to turn over
27 to the municipality. Their goal is to establish a working sewage treatment for the plant. The costs
28 should be the same for both and something they could examine. They would like the ability to
29 have a single treatment plant for the entire 24 units they propose. It was a school with four or five
30 times the affluent coming through that was allowed to be disposed of in a single plant. Now we're
31 going to put less affluent out per day and now we're saying we should break it down as ten. In
32 terms of what we have here, we are modifying an existing system. Our request is that we be
33 allowed to have a single system and it's something they can get worked out between Mr. Kocher
34 and Mr. Hunsinger. We think we are putting out a clean byproduct.
35

36 Mr. Landis said if our engineer is determined this one type, are we in a position to do anything?
37 Attorney Treadwell said maybe we should meet and talk about it before we get to that point. It
38 would be a recommendation from the PC. He'd suggest they sit down together before they get to
39 that point so they can see what they can work out.
40

41 Mr. Maxfield asked if it was a carbonate geology area? Mr. Kocher said he thinks the plant will be
42 in there, the only section that is not is the eastern most portion, but he thinks everything within 500
43 feet of the line. Mr. Maxfield said do we have a concern of a drain field of that size in a carbonate
44 area? Mr. Kocher said that should be part of the testing requirements and DEP's thought process if
45 this system is allowed and goes through, DEP actually is among reviewing all of the soil testing and
46 loading. Mr. Maxfield said when we are talking about failure of a system, what are we talking
47 about...shutting down or polluting? Mr. Kocher said if the treatment plant is working properly a
48 failure should be discharged to the ground of the treated water.
49

50 Mr. Garges said you may want to talk to the LSA as well. He'd imagine the 24 units would be on
51 their own rate schedule through the LSA. If you are looking at a huge monthly cost for sewerage
52 treatment, economically it should work and see if the LSA can handle some. Mr. Noble asked if
53 the structure is going to be apartments? Mr. Wiener said it's going to be either apartments or

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1 condominiums. Mr. Ritter said the basin will be lined. Mr. Hijazi said he hasn't seen the plans for
2 awhile and he noticed there are some wells.

3
4 Mr. Vittorio said initially when they looked at the project, there was an existing well in south end
5 of the site that was serving the school and is classified by DEP as a non transient non community.
6 The school was a non community. For the site, they met with DEP for the current use and as it's
7 going to be apartments or condos, it would fall under community water systems. The existing well
8 doesn't meet the current construction requirements or setback requirements that a community water
9 system would meet. They did a feasibility study and installed several test wells to see if there was
10 water in the upper part of the property. They drilled two test wells and one well they drill as an
11 observation well. The one well they drilled they ended up with a yield of about 65 gallons per
12 minute. Looking at the numbers, the three test wells they drilled, the one makes about 60 gallons a
13 minute. It was a good start indicating that there was sufficient water there and with 24 units, three
14 people per unit, 60 gallons per day, it comes out to about 250 gallons per day per unit of water use,
15 about 6,000 gallons a day to supply the property. If you divided that out, it would be about a 5
16 gallon well to supply that water. We did that initial testing and the wells are on the property. Mr.
17 Hijazi said the wells were installed as part of evaluating the sufficiency of the water wells. Mr.
18 Vittorio said yes. The current ordinance requires 5 gallons per minute per unit which would be
19 about a 120 gallon well which would be 86,000 a day, the site needs 6,000 a day. We're looking at
20 a waiver on that. Before the waivers, they would like more investigation. That's where we are
21 right now. We have a well that has some yield and will have to drill some more wells to determine
22 if there's yield and a significant amount of cost with that and no guarantee that we'll be able to
23 meet the ordinance or DEP's ordinance at that time.

24
25 Mr. Kocher said the original results are encouraging for them, but they need to look at the letter and
26 with Chris's permission, they should talk to the township geologist. Mr. Hijazi said any concerns
27 of impacting any wells in the area? Mr. Vittorio said that falls under the township's ordinance and
28 DEP's ordinance, so part of the comments in the letter and what they would do for the water supply
29 is there is a plan where you would have to monitor surrounding wells to see if you impact the
30 quantity. Mr. Landis said what kind of water usage did the school have? Mr. Vittorio said that well
31 made about 35 gallons per minute.

32
33 Mr. LaBuda said the first major problem was where they were going to put the driveway. The
34 second major problem was the problem that he was going to resolve with the neighbor. Now this
35 problem here. What do you foresee in these two articles here which would be the fourth major
36 problem. This has been going on two years already, so many things should have been done
37 already. Is there anything major you are looking at? Attorney Treadwell said there are issues that
38 need to be resolved and that's why he suggested to have that meeting. Mr. Wiener said they are
39 dealing with the water supply and the source of the water and the ability to go with a single
40 treatment. We are looking at something that is going to discharge a cleaner by product as opposed
41 to trying to use the ground to filter it. Mr. Hunsinger said they are designing the system for 24
42 units. Mr. Garges said the sprinkler systems and type of storage should all be looked at for the next
43 meeting.

44
45 Mr. Ritter said we are in good shape now. They will meet with staff and talk. Mr. Noble asked if
46 all the adjacent property owners have been contacted about the basin? Mr. Ritter said he has not
47 spoken to anyone. Mr. Noble said it would be a good idea to get them involved in this process also.

48
49 **MOTION BY:** Mr. LaBuda moved to table.

50 **SECOND BY:** Mr. Hijazi

51 Mr. Landis asked if anyone had any other comments or questions? No one raised their hand.

52 **ROLL CALL:** All in Favor: Yes

53 Opposed: None

1 **D. LOUIS PAVELCZE & SHERRY HILL ASSOCIATES – SHERRY HIL ROAD**
2 **ASSOCIATES LLC FORMAL SKETCH PLAN – 4094 SHERRY HILL ROAD**

3
4 Present: Louis Pavelcze, Sherry Hill Associates; and Chris Kerkusz from Martin Schuler Co. Mr.
5 Kerkusz said they are proposing a sketch plan south of Sherry Hill Road. There are 10 lots at this
6 point. They took each natural resource and colored it a different color. He explained all the
7 different colors on the plan. The brighter colors have more resource protection. He showed
8 wetlands, slopes, streams, and natural woodlands.
9

10 Mr. Landis said are there things in the Boucher & James letter you need to talk about? Mr. Kerkusz
11 said the biggest problem is they went with 150' lot frontage and it's 200' required in this area so
12 they have to relay it out. Mr. Landis said the cul-de-sac, you can only have seven lots. Mr.
13 Kerkusz said yes. There are ten total houses and under 50 acres. One house isn't on the cul-de-
14 sac. You can see most of the items they show resources and what was tested out in the field. For
15 the riparian buffer, he knows from the definition of zoning, it's either on the soils map or the US
16 GS map. It's not on the US GS, it's on the old soils map before 78 was placed there. What
17 documentation would you need to prove that? Mr. Tralies said his biggest concern is what's
18 actually on the ground there. The township put a lot of time into their riparian buffer ordinance
19 because we are trying to protect our grounds water and when you are out on the site, it's there.
20 There's a stream that runs right through the middle of the site. It's part of an important watershed.
21 It's one of his biggest issues. It may not be full of water all the time, but he'll bet this last week it
22 was full of water. That's what we deal with now. He would have concerns of saying we don't
23 need a riparian buffer area here. Mr. Kerkusz said after discussing with his client, it was only wet
24 for a day or two and it dried up. In his mind, it would be sort of a dry swale and probably was a
25 stream at some point, but when 78 went through there, it cut all the headwaters of it. If you look at
26 any soils map with 78 on it, it doesn't show anything in that area. At this point, it's a swale that
27 transports water during storms. Mr. Pavelcze said he went over after the storm ended. He went to
28 the top of it and at the end, and at the top it was just barely trickling the water down. At the end
29 there's a spring with a little pond, but since the highway went in, that dried up. He's getting all the
30 information with the neighbors who are really knowledgeable. Attorney Treadwell said someone
31 needs to go out and look at it and make a determination. That's the next step before you can ask
32 the PC to make a recommendation. You need to do a site visit. Mr. Tralies was at the site and
33 that's what he based his letter on, but he'll go out to the site with whoever wants to go there and see
34 where we can go from there. Mr. Noble said do some raw calculations on how many houses you
35 can get on this site. Mr. Tralies said we need to see the supporting documentation of the soils
36 study. They showed on their plan both soil delineations. It looks like their calculations were
37 correct.
38

39 Mr. Kerkusz said on the Boucher & James letter, No. 6, he says he would strongly recommend the
40 cluster subdivision be considered. He went through the cluster option. If they would cluster and
41 the remaining areas become open space, do the natural resource calculations like the 85% go on the
42 total site or do they go on a lot by lot basis? Mr. Tralies said on the total site. Whatever would
43 become open space, that would still count as your preservation. Mr. Kerkusz said would the open
44 space meet the recreation requirements or would that be in excess of whatever recreation fees? Mr.
45 Tralies said that is two separate requirements. Mr. Kerkusz said in the cluster development option,
46 they are at a 600 foot cul-de-sac right now. It might make sense to extend the cul-de-sac slightly,
47 not getting any additional lots, but just so they can build in other areas and give the township a lot
48 of that natural resource. He needs to discuss it with his client. Mr. Landis said if you can show you
49 can do it, they might consider it and make a good case for it.
50

51 Mr. Kerkusz said on the HEA letter, No. 3 they can have a site visit. No. 7, requirements for road
52 way frontage, what are you looking for along Sherry Hill? Mr. Kocher said they haven't
53 formulated an opinion as the staff wasn't out to look at it yet. The 200 foot lot frontage and the

1 cluster development they'd like to explore and they'd like to have a site meeting with everyone
2 involved. Those are the two biggest issues at this point. Attorney Treadwell said set up a meeting
3 with Boucher & James and HEA before you come back again.

4
5 **D. PAUL & SHAWN CRESSMAN – SHERIDAN/CRESSMAN INFORMAL SKETCH PLAN –**
6 **2422 AND 2426 APPLEBUTTER ROAD**
7

8 Present: Paul Cressman, Shawn Cressman and Richard Waldruff. Mr. Waldruff said he prepared
9 the plan. It's 17 plus acres of property. They want to use it for a home office and nursery use. It's
10 in the RA zoning district and is a carbonate area. Mr. Landis said it's not a permitted use in an RA,
11 so it will have to go in front of the ZHB or it has to be rezoned. Mr. Garges said home offices are
12 accessory uses. Each of these parcels right now are single family residential uses. The nursery use
13 may be an additional use. The whole package would depend on what kind of relief they would be
14 requesting. If they would want to look at this as a home base business and request variances from
15 certain aspects of that, those are some of the bigger use type issues that are out there. Mr. Waldruff
16 said the property consists of two parcels. The larger lot is the residential use with the home office
17 component. Mr. Maxfield asked if they did any calculations to determine how much tree clearance
18 would have to occur to make this business happen? Mr. Waldruff said no, it's just an informal
19 sketch plan. Paul Cressman said the trees are about 25 to 30 year old trees and 16" caliber width.
20 Mr. Hijazi said these are two lots with residential houses on them and you are looking to change it
21 to a nursery.

22
23 Mr. Maxfield said the owners of the property last night applied for a septic replacement which was
24 granted because the proximity of the stream. He's confused how you could request a business on
25 two properties and obviously sharing facilities already from the looks of the map doesn't look like
26 there is plans to merge and on top of that a nursery business. He doesn't understand the plan at all.
27 Attorney Treadwell asked if they knew the Sheridan's were here last night asking for zoning relief.
28 Mr. Landis said that was for both? Attorney Treadwell said yes. Mr. Waldruff said they plan to
29 sell it whether they buy it or not. Whoever is going to buy it, those septic systems must be replaced
30 whether they buy it or the next guy buys it. The nursery is perhaps 250 feet square. The portion
31 they are showing in the back is pretty much open already. Shawn Cressman said there's an access
32 road up the back to the radio tower. Mr. Landis said the home office requirements are fairly tight.
33 Mr. Garges said the home office has a certain number of non-resident employees, a certain number
34 of parking spaces, customers per hour and parking of commercial vehicles which is fairly limited.
35 This is kind of one scale above what's allowed. Shawn Cressman said there would be no walk in
36 customers, it's just retail, a place to grow their trees and plants.

37
38 Attorney Treadwell said for this PC to make an informed recommendation or opinion, we need to
39 have some more facts and details and maybe we can do that through the Planner and Engineer and
40 figure that out. We need to sit down with the applicant and talk about it and figure out if it's
41 permitted or if they need a variance. Chris Garges said he met with the applicants and gave them
42 some guidance as to the regulations and the next step in the process is a costly one to hire an
43 engineer and obtain the variances. Why they came here was to get a reaction, is this something
44 anyone would support at all? He can only tell them what the ordinances say and what may be
45 required. There are a number of things they would have to comply with, zoning being one of them,
46 site plans, earth disturbance, permits, a bunch of details. His concern is you're in a residential area
47 and your doing more than the ordinance allows as a home based business. They are not retail, but a
48 significant change to the character of the neighborhood. Depending on the use that is proposed, it
49 could be accessory as part of the home base business depending on the scale of it. Mr. Maxfield
50 said last night the concern was with septic systems and the proximity of the stream. Most of the
51 disturbance is proposed in the stream area which is a concern to him. Mr. Noble said you have to
52 deal with riparian buffers. Mr. Garges said the ordinance says encroachment into these riparian

1 buffers for corridors or crossings require an conditional use or special excretion. Widening the
2 driveway is growing that use. He said they might be able to get rid of one of the dwellings.
3

4 **IV. MISCELLANEOUS BUSINESS ITEMS**

5
6 **A. REVIEW OF CALCULATION METHOD FOR PARK AND RECREATION FEES IN**
7 **LIEU OF LAND DEDICATION**
8

9 Mr. Koch said his guess is they use gross acres. Mr. Garges said an article in the paper this
10 morning they raised theirs from \$1,000 to \$2,500. Mr. Tralies said Judy prepared the memo and
11 not too long ago in the past, Harry Roth came up with a method to figure out a dollar total. Judy
12 has stuck with his method except his starting point proved to be unreliable. It was apparently off.
13 The Township hired someone to do an appraisal of developed and undeveloped land in the
14 township for an average acre. Judy took the number from the appraisal, plugged them back into
15 Harry's calculations and that's how they end up with the \$3,310. Mr. Maxfield said he thinks it's a
16 reasonable increase.
17

18 **MOTION BY:** Mr. Maxfield moved to support this.

19 **SECOND BY:** Mr. Hijazi

20 Mr. Landis asked if anyone had any comments or questions? No one raised their hand.

21 **ROLL CALL:** All in Favor: Yes

22 Opposed: None
23

24 **B. 2006 ANNUAL REPORT – REVIEW AND COMMENT**

25
26 The Planning Commissions acknowledges it.
27

28 **C. APPROVAL OF MINUTES – JANUARY 18, 2007**

29
30 **MOTION BY:** Mr. LaBuda moved for approval of the January 18, 2007 minutes.

31 **SECOND BY:** Mr. Maxfield

32 Mr. Landis asked if anyone had any other questions or comments. No one raised their hand.

33 **ROLL CALL:** All in Favor: Yes

34 Opposed: None
35

36 **VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

37
38 Mr. Landis asked if there was any public comment? No one raised their hand.
39

40 **VII. ADJOURNMENT**

41
42 **MOTION BY:** Mr. Maxfield moved for adjournment. The time was 8:50 PM.

43 **SECOND BY:** Mr. LaBuda

44 Mr. Landis asked if anyone in the audience had any questions or comments? No one raised
45 their hand.

46 **ROLL CALL:**

47
48 Submitted by:
49
50
51

52 _____
53 Mr. John Landis, Chair