

**I. OPENING**

**CALL TO ORDER:** The Planning Commission meeting of Lower Saucon Township was called to order on Thursday, April 25, 2013 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. John Landis, Chair, presiding.

**ROLL CALL:** Present: John Landis, Chair; Tom Maxfield, Vice Chair; John Lychak, Scott Kennedy, and Sandra Yerger, members; Chris Garges, Zoning Officer; Karen Mallo, Boucher & James; Dan Miller, Hanover Engineering; Linc Treadwell, Solicitor. Absent: John Noble and Craig Kologie

**PLEDGE OF ALLEGIANCE**

**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS – None**

**III. BUSINESS ITEMS**

**A. BETHLEHEM RENEWABLE ENERGY LLC – BETHLEHEM RENEWABLE ENERGY WASTE STORAGE TANKS LAND DEVELOPMENT #LD 01-12 – 2335 APPLEBUTTER ROAD – EXP. 07/23/13**

Attorney Jim Preston was present for the applicant. He was not here at the last meeting, but he understands that most of the attention was focused on turning movements for trucks. They have the review letters from Boucher & James and Hanover Engineering. They have no issues with the matters that have been identified in both of those letters. One exception they need to talk about is the traffic.

Ms. Mallo said the only comments in their letter are in regards to the traffic and the revision of the PPC which will be affected by the traffic.

Mr. Miller said theirs is pretty straight forward. The most notable is the PPC.

Attorney Preston said he understands and recalls that they had offered to underwrite the PPC and someone has been there to visit the site and that's underway.

Attorney Preston said the remaining issue is traffic at the site, in particular, truck turning. They've done some turning templates and have a video of a truck making turning movements at the site. In the Boucher & James letter, the final comment where it talks about recommendation, it says we, the Planning Commission or Township Council to condition any approval upon the applicant, revising the plans and the PPC to limit the size of the water disposal tanker to insure adequate safe turning movements on the site. They would welcome and agree with that. The last general comment, it talks about the truck being identified as a 3,000 gallon tanker truck or smaller, he's not sure if that's what was intended. The 3,000 gallon truck that was on the template that was submitted was a 30' truck. In talking to their engineers, the gallons do not control the length. The length is what it is. If we can change the limitation of a 3,000 gallon truck to that of a 30' truck, which is the truck you are going to see in the presentation this evening. That would make more sense.

The applicant presented a video which showed how the truck was going to back up to the gates and how it would be making the turns. There were no problems turning into the facility or backing up.

Attorney Preston said that's their presentation for this evening and they don't take issue with anything that's in the letters. The video also demonstrated how a 30' truck can do safely what it is they want to do at the site.

**Planning Commission Meeting  
April 25, 2013**

Mr. Miller said everything is fine as long as the paperwork gets taken care of.

Mr. Landis asked if anyone in the audience had any questions or comments?

Ms. Donna Louder said how does that work when there's 4' of snow? Mr. Hollis said they would clear the driveway. If they were at capacity, they would shut their plant down until they can safely get a truck in there and remove the liquid. They are not going to overflow the tanks. Ms. Louder said even with the safety of the truck on the road and pulling into the gate and everything else if there's snow? That's going to have to be cleaned up very well by the Township to maintain that? Attorney Preston said the Township doesn't maintain that. Ms. Louder said she's not talking about their property. She's talking about Applebutter Road. Mr. Garges said that's PennDOT. Ms. Louder said thank you, then we'll have to make sure what is aware there and what's going on and maybe they can take care of that as well.

Mr. Maxfield said his understanding is that the PPC Plan is approved by the Manager? Attorney Treadwell said that's what it says in the ordinance. The Manager, the Fire Chief and maybe the Police Chief, but the consultant that has been hired will then make that recommendation to those individuals. Mr. Garges said the consultant has been out to the facility and met with them. He's been given the PPC Plan that was in place prior to this plan, so he has background. He has what they submitted before which he's reviewing now, so it is in process. Mr. Maxfield said the PPC Plan, since it's approval out of this body, without even saying it, it would be a condition that would be approved anyway before the plan goes through. Attorney Treadwell said absolutely. It's in the ordinance.

Attorney Preston said he's not sure about this, there are waivers that apply to this plan. Were they ever considered by the Planning Commission? Mr. Landis said they were considered the last time, but they weren't voted on. Attorney Treadwell said he thinks the question was asked and nobody had any problems, but they didn't vote on them.

Mr. Landis said they will do the waivers first. There are five waivers. It's from the April 19, 2013 Hanover letter, page 2, Item, 2, 3, 5, 8 and 11. Ms. Mallo said on Boucher & James letter, page 4, the Planning Commission has to agree to reduce 3a, a waiver to request the scale to be changed. It's not in Mr. Miller's as it's SALDO, so include that in your list also.

**MOTION BY:** Mrs. Yerger moved for approval of all the waivers which were just discussed – five from Hanover Engineering letter of April 19, 2013 and one from Boucher & James letter of April 18, 2013.

**SECOND BY:** Mr. Kennedy

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

Mr. Landis said what about the plan itself? We need a motion.

**MOTION BY:** Mr. Maxfield moved to recommend approval of the plan for Bethlehem Renewal Energy, subject to the two letters.

**SECOND BY:** Mr. Lychak

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

Ms. Louder said she wants to understand a waiver has been requested from providing a maintenance agreement with the Township, could you explain that to her? Mr. Miller said whenever there's a subdivision land development, often the developers are required to do improvements. For those improvements to get their plan approved and recorded, they are obligated to get an Improvements Agreement, which basically puts money up in a legal agreement obligating them to do those improvements, and then after the improvements are done, to go through a period of time, 18 months, to maintain said improvements. Since they are not proposing anything, they

don't need an agreement to construct it and since they are not constructing it, they don't need an agreement to maintain it.

**B. GUS ZANNAKIS – GUS'S CROSSROADS INN - D.B.A. YIANNIS'S TAVERNA SITE  
PLAN #SP 01-13 – 3760 OLD PHILADELPHIA PIKE – EXP. 07/24/13**

Mr. Landis said the applicant was not present. Mr. Garges said he explained this to them. This zoning district is called Village Center and there's a section in the zoning ordinance that requires P/C and Council to do a plan review of any architectural changes, just in the Village Center zoning district. A few years back, they did some improvements; put a deck outside and that type of thing. It went through here and they got the proper approvals. At this point, what they want to do is they want to make it look nicer. They are not adding any tables, not adding any more space. They submitted the architectural drawings. Basically, it's a trellis type thing on the deck, which as you look at the top drawing, it would be on your left-hand side. There's a view of it on the bottom of the drawing, which would be the full length of the existing deck with the trellis on top. As you look at the top one, it's looking at it from Old Philadelphia Pike and it's nothing more than getting rid of an old not very appealing sign and putting up sod on the front. The biggest note in Boucher & James review letter would be the dome itself that they are proposing to add. They would have to make sure it applies with the height requirements. Up where they are proposing that, it is at the highest point and the buildings at the lowest point. Height wise and from a slope standpoint, you can see it's basically a walk-in on the bottom side. That height would be measured from the smaller side of the building. If they had it down on the lower side, it would be technically higher by a measurement standpoint. That's all they are looking for. They want to make it look more appealing, modernize it.

Mr. Landis said what can we do as they are not here? Attorney Treadwell said they don't have to be here. Mr. Landis said he doesn't have any objection to it. Ms. Mallo said they have two concerns, one being the height. If it is over the height requirements for the zoning district, they have to do a calculation. It's probably a non-issue. The proposed sign would have to meet with the requirements of the ordinance before Chris issued the zoning permit for that. Mr. Lychak asked if they were changing the sign that's out on Route 378 as well? Mr. Garges said just on the building. Mr. Maxfield said do they have any lighting changes? Are they going to light the sign? Mr. Garges said no. They didn't mention that. The 3'x8' sign that is on top now is interior lit. The sign would be on the side of the building. If anything, it may have some type of light wrapping around and facing on the building, but they didn't mention that. Mrs. Yerger said in the letter they didn't mention any lighting changes. Mr. Lychak said there are homes in the vicinity. Mr. Landis said what control do we have over the lighting? Mr. Garges said it would be your recommendation. The neighborhood protection section of our ordinance in zoning is what governs the lighting we have. The only real teeth that's in that section is it says that it can't be directed or spill over to an adjoining property. If you have a spotlight that's not pointing on your property and is pointing over at your neighbor, it's in violation. There's not much else in there right now. If it's part of the recommendation for Council, then that would be a condition of their approval. Mr. Lychak said you could have a search light pointing straight up. Mr. Garges said from a promotional standpoint, there are regulations that would not allow that. Mr. Lychak said not promotional, but they wanted to have beams of light going straight up and around the dome, would that be permitted? Mr. Garges said yes. Mr. Landis said we don't know what they are going to do. Attorney Treadwell said condition it upon any additional lighting being approved by the Zoning Officer. If they add more, then they have to get it approved.

- MOTION BY:** Mr. Maxfield moved for recommendation to approve of the plans subject to the condition that Attorney Treadwell mentioned about lighting.
- SECOND BY:** Mr. Lychak
- ROLL CALL:** 5-0 (Mr. Noble and Mr. Kologie – Absent)

**Planning Commission Meeting  
April 25, 2013**

Ms. Mallo said when you said condition of lighting, you just wanted that it's not glaring? Attorney Treadwell said any additional lighting would need to be approved by the Zoning Officer.

**IV. MISCELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF MINUTES - FEBRUARY 28, 2013 & MARCH 28, 2013**

Mr. Landis said are there any additions or corrections?

**MOTION BY:** Mr. Maxfield moved for approval of the February 28, 2013 minutes.

**SECOND BY:** Mr. Lychak

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

**MOTION BY:** Mr. Lychak moved for approval of March 28, 2013 minutes.

**SECOND BY:** Mr. Kennedy

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

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

**VI. ADJOURNMENT**

Mr. Garges said before we adjourn, next month on May 23<sup>rd</sup>, they were looking at the possibility of having a joint meeting, workshop type thing with Council to go over the new subdivision land development ordinance. There are some revisions on that to be looked at. There would be a presentation with Hanover and Boucher & James. If we have time, there are a few other ordinances that are kind of hanging out there. He spoke with Hellertown Borough and they would like to have another meeting as well. Do we want to have them here? Is it something if he throws out the next couple of dates, do you want to go there as a second meeting in the month and just keep our meetings going. He would wait until June or July. Attorney Treadwell said there are significant changes to the SALDO that could take awhile to discuss. Mr. Maxfield said if they wanted to come here, that would be fine. Mr. Garges said he'll throw June 27<sup>th</sup> out to them and see if that's okay.

**MOTION BY:** Mr. Lychak moved for adjournment. The time was 7:35 pm.

**SECOND BY:** Mr. Maxfield

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

Submitted by:

---

Mr. John Landis, Chair