

I. OPENING

CALL TO ORDER: The Planning Commission of Lower Saucon Township was called to order on Thursday, June 2, 2016 at 7:05 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. John Noble, presiding as acting Chair.

ROLL CALL: Present: John Noble, Acting Chair; John Lychak, Secretary; Sandy Yerger; Scott Kennedy; Haas Hijazi; members; Chris Garges, Zoning Officer; Mike Beuke, Boucher & James; Kevin Chimics, Hanover Engineering; Linc Treadwell, Solicitor. Absent: Tom Maxfield and Craig Kologie.

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS – None

III. BUSINESS ITEMS

A. REGINA DU – DU MINOR SUBDIVISION PLAN #MIN 02-15 – 1953 LEITHSVILLE ROAD – EXP. 07/26/16

The applicant contacted the Zoning Officer and requested to table the application while they prepared revised plans.

B. IESI PA BETHLEHEM LANDFILL CORPORATION / PROGRESSIVE WASTE SOLUTIONS – IESI PA BETHLEHEM LANDFILL WITHIN THE LIGHT INDUSTRIAL ZONING DISTRICT – SOUTHEASTERN REALIGNMENT LAND DEVELOPMENT #LD 01-15 – 2335 APPLEBUTTER ROAD – LAND DEVELOPMENT / SITE PLAN APPLICATION – EXP. 05/04/16

Present representing the developer were Mary Ann Garber (applicant's attorney) and Joe McDowell of Martin & Martin (design engineer). Attorney Garber gave a brief update of the minor revisions that had been made to bring the plan into compliance with the review letters. She then reviewed the May 13, 2016 Boucher and James review letter, indicating that they would comply with all outstanding items.

She next reviewed the May 16, 2016 Hanover Engineering review letter. She noted that all items were either "will comply" or waiver requests. The Commission then discussed the waivers, indicating that the majority of the waivers appeared to be due to ordinance sections which have evolved since the original landfill approvals and appeared to be warranted. Solicitor Treadwell commented that the waiver from Section 145-30 & 34.D(6) which had to do with the certificate of insurance was reviewed by him and was acceptable.

Mr. Noble then opened up the meeting to public comment. The first to speak was Priscilla DeLeon of Saucon Ave. She was concerned with the height of the landfill. She stated that the Township had commented to DEP as part of the DEP Major Permit Modification application that the height was excessive. She was concerned that if the DEP required IESI to modify their plan it would change the plan that the Commission was reviewing and considering approving. Solicitor Treadwell noted that such a major revision like that would require resubmission and re-review (by the Township) of the plan.

Having no one further wishing to comment, Mr. Noble opened the plan up to a motion.

MOTION BY: John Lychak moved to grant preliminary / final land development approval and site plan approval subject to the following conditions:

1. Compliance with the Hanover Engineering Associates, Inc. letter dated May 16, 2016.
2. Compliance with the Boucher & James, Inc. letter dated May 13, 2016
3. Compliance with the LVPC letter dated January 27, 2016.

4. Compliance with any conditions of the Zoning Hearing Board decision.
5. Compliance with the regulations of all municipal and governmental agencies having jurisdiction.

Stormwater Management Waivers:

1. SWM Section 137-18.E, regarding orifice diameter. Township Staff has no objection, due to the fact that this is a maintenance issue and the Township is not responsible for maintenance.
2. SWM Section 137-18.H and L(6) – regarding basin fencing. Township Staff has no objection, as security fencing already exists around the perimeter of the landfill property.
3. SWM Section 137-18.L – regarding depth, interior slope, fencing, and 8-hour drainage requirement - Township Staff has no objection, due to the fact that this is a private facility, with a perimeter fence.
4. SWM Section 137-18.N – regarding basin bottom slope – Township Staff has no objection, due to the fact that this is a maintenance issue and the Township is not responsible for maintenance.
5. SWM Sections 137-19.G(8), and (10), and appendix A.B – regarding concrete structure for outlets - Township Staff has no objection, as this is essentially a waiver for a temporary condition and a maintenance issue and the Township is not responsible for maintenance.
6. SWM Section 137-19.G(14) –regarding storm sewer failure, and drainage discharge destination - Township Staff has no objection, as the proposed condition is actually an improvement over the existing condition.
7. SWM Section 137-23.M – regarding maximum 3:1 slope – Township Staff has no objection, as this is a maintenance issue and the Township is not responsible for maintenance.
8. SWM Sections 137-26.D, E, 34, 36, 37, 38, and 145-34.D(5) – regarding legal agreements for easements and maintenance responsibilities – Township Staff has no objection. It is recommended that the maintenance agreement be required, but that they be modified to not require recorded easements and to not provide access to the site by the Township, as the Township will not be responsible for maintenance or inspection of the SWM facilities.
9. SWM Section 137-37.B and C – regarding drainage easements - Township Staff has no objection, same issue as item 8, above.
10. SWM Section 137 – Appendix I – regarding Storm Drainage Easement Maintenance Covenant – Township Staff has no objection, same as issue as item 8, above.

Subdivision and Land Development Waivers:

1. SLDO Section 145-33.A – requiring a Preliminary Plan - The applicant is requesting a recommendation for Preliminary/Final Plan approval. Township Staff recommends that the following items be made a condition of any recommendation to permit the plan to proceed as Preliminary/Final:
 - i. The applicant shall be required to submit a package containing all documentation required to meet the conditions of Preliminary/Final Approval to the Township for review prior to returning to Council.
 - ii. The applicant shall be required to appear before Council, at a regularly scheduled meeting, to obtain Council’s approval that the conditions of Preliminary/Final Approval have been satisfied and to authorize signing of the plans.
 - iii. If there are substantive changes to the plan, the applicant shall be required to submit a new Preliminary Plan to the Township for review and the PA MPC review process shall start again, with the new submission.
2. SLDO Sections 145-33.C(1) and (2) – regarding Existing features – Township Staff has no objection due to the fact that there is no discernible effect on the Township or the public.

3. SLDO SecSections-33.F(1)(a) – regarding drainage easement notes – Township Staff has no objection due to the fact that there is no discernible effect on the Township or the public – see # 8 above.
4. Section 145-34.D(5) – regarding easement legal agreements – Township Staff has no objection due to the fact that there is no discernible effect on the Township or the public – see # 8 above.
5. Section 145-30 and 34.D(6) – insurance naming the Twp. and Twp. Engineer as named insured – As noted above, Solicitor Treadwell suggests this waiver is not required.
6. SLDO Section 145-45.G(2) – regarding driveway specifications - Township Staff has no objection due to the fact that there is no discernible effect on the Township or the public, as all proposed driveways are temporary and will remain private.
7. SLDO Section 145-46.B(3) – regarding drainage easements – Township Staff has no objection due to the fact that there is no discernible effect on the Township or the public – see #8 above.

SECOND BY: Scott Kennedy

ROLL CALL: 5-0 (Absent: Mr. Maxfield and Mr. Kologie)

C. LEHIGH VALLEY INDUSTRIAL PARK, INC. – LVIP VII AT EASTON ROAD PHASE 3 – LOTS 53-56 WAIVER #WV 01-16 – 1355 EASTON RD.

Jim Preston (Attorney for Applicant), Kerry Vrobel (LVIP) and Jim Milot (Hanover Engineering) were present. Attorney Preston reviewed the project noting that the applicant is seeking a waiver of the Land Development project due to the fact that no development is proposed in Lower Saucon Township. Mr. Noble stated that there are two big issues, both of which were discussed at the last meeting. The first of which was buffering which was reviewed by Boucher and James in a memo dated May 10, 2016. Attorney Preston noted that the applicant will comply with the comments in that memo.

Mr. Noble said the second issue was traffic, particularly the intersection of Cherry Lane and Route 412. Attorney Preston noted that PennDOT has said that nothing is required by this applicant at that intersection. Mr. Milot added that at full development the applicant is required to perform a study of that intersection to determine if the timing of the lights is sufficient. Mr. Noble said his said that he is concerned that the applicant did not show that or how additional LVIP traffic will effect existing traffic study/plan done by PennDOT for the 412 project.

Bob Gonzalez (Township’s consultant from Barry Isett Engineering) reviewed his May 16, 2016 letter.

Resident Priscilla DeLeon questioned signage that was mentioned in Mr. Gonzalez’s letter. Mr. Gonzalez said that his letter contained recommendations, not a required “improvement” under the applicant’s permit.

Robert Hornak who is a Hellertown resident and lives on Cherry Lane questioned why the applicant is not using Commerce Blvd. Mr. Noble responded that there are several private parcels under separate ownership and as such access is not available.

Resident Joan Madzarek stated that she was concerned that the additional truck traffic would hit her home.

Resident Donna Louder asked what uses were assumed for traffic study, were they the worst case? Mr. Milot stated that they were.

Attorney Treadwell explained that the Township technically does not have a legal basis to require traffic improvements because there are no physical improvements proposed in the Township.

Mr. McKenna from the Borough of Hellertown requested that the City of Bethlehem have an opportunity to weigh in. Mr. Noble noted that the City's Planning Commission has already reviewed and approved this plan.

Ms. DeLeon suggested that the Planning Commission forward their concerns to Council in the form of a recommendation.

MOTION BY: Mr. Lychak moved to recommend the Waiver of Land Development to Council with the following conditions:

1. Compliance with the May 10, 2016 Boucher and James review memo
2. Compliance with the May 16, 2016 Barry Isett Associates review letter

The Commission also recommended that Council send a letter to PennDOT detailing their concerns with the permit application for LVIP.

SECOND BY: Mr. Hijazi

ROLL CALL: 5-0 (Absent: Mr. Maxfield and Mr. Kologie)

IV. MICELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – APRIL 28, 2016

MOTION BY: Mr. Lychak moved for approval of the April 28, 2016 Planning Commission minutes.

SECOND BY: Mr. Kennedy

ROLL CALL: 5-0 (Absent: Mr. Maxfield, and Mr. Kologie)

V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

None.

VI. ADJOURNMENT

MOTION BY: Mr. Kennedy motioned to adjourn the meeting. The time was 8:11 p.m.

SECOND BY: Ms. Yerger

ROLL CALL: 5-0 (Absent: Mr. Maxfield and Mr. Kologie)

Submitted by:

Mr. John Noble, Acting Chair