

I. **OPENING**

CALL TO ORDER: The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, July 20, 2006, 7:10 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. John Landis, Chair, presiding.

ROLL CALL: Present: John Landis, Chair; Gerry Szakmeister, Vice Chair; Fran LaBuda, Secretary; John Noble; Tom Maxfield; Brien Kocher, Engineer; Chris Garges, Zoning Officer; Rick Tralies, Township Planner; and Solicitor, Linc Treadwell. Absent: Craig Kologie, Hazem Hijazi, and Stephanie Williams.

PLEDGE OF ALLEGIANCE

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

III. **BUSINESS ITEMS**

A. **HERITAGE BUILDING GROUP – CHAFFIER, THOMPSON & FILLER PRELIMINARY MAJOR SUBDIVISION #MAJ 03-04 – 1839 SKIBO ROAD; 1790 FRIEDENSVILLE ROAD AND 1931 MEADOWS ROAD (TIME LIMIT 7/30/06)**

TAKEN OFF AGENDA

B. **MARIE FILLER – FILLER MAJOR SUBDIVISION – 1839 SKIBO ROAD – (TIME LIMIT 8/12/06)**

TAKEN OFF AGENDA

C. **3672 ROUTE 378 ASSOCIATES -3672 ROUTE 378 SITE PLAN #SP 01-06 – 3672 ROUTE 378 (TIME LIMIT 09/13/06)**

Present – Keith Cacciatore, Attorney for En Avant School of Dance and Kurt Leister, City Line Construction, one of the owners of the building.

Mr. Leister said he is looking to lease the southern most portion of his building consisting of about 2,300 sq. feet of space to the En Avant dance studio. They need permitted use from retail to the dance studio. The building is a renovation originally constructed back in 1960. The site conditions are as they were back then with the exception as to when he renovated the building. He decreased the size by 25% and put in four more proposed parking spaces.

Mr. Landis asked if there was anything in the Boucher & James letter. Mr. Leister said he's okay with comment 1A, 1B, 1C. Regarding comment 2 where the proposed parking spaces must conform to the required setback or a variance be required, the spaces are there. They just haven't been striped yet. They weren't shown on the plans as proposed as it's just a matter of putting in four lines. They will comply with comment 2. Comment 3 he's okay with. Comment 4 he could be okay with. He's just not sure how to demonstrate compliance with the heat, glare and noise, smoke and vibration. Mr. Garges said that can be done simply with just notes on the plan that state your use won't create excessive noise, excessive glare, etc. Mr. Leister said comment 5, he's kind of okay with, it's a bit of an interpretation. The question of the reversal of the parking spaces. It's actually shown correctly as Sherman Williams only has 1,000 sq. feet of showroom. Although it's 3,100 sq. feet of building, the ordinance requires one space per 100 square feet of showroom or

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sales area and one for each employee. He requires 12 spaces for that. He has a total of 28 on site spaces and he has 1,600 sq. feet of dance floor on the other side. With employees, he'd need 30 total spaces and is short by 2. Because of the non-conformity, he wasn't sure that it warranted a variance. Mr. Tralies said this one really is what it is. They don't have a major issue with being short by two parking spaces. Attorney Treadwell said he doesn't have a problem with it. Mr. Leister said comment 6 is a code issue, but is shown on the building plan. He has no problem with that.

Mr. Maxfield said for comment no. 5 he doesn't have to go through the variance process? Attorney Treadwell said yes, because it's a non-conformity already. We should have a note on the plan that if the use changes in the future, you may need more parking spaces.

MOTION BY: Mr. Noble moved to approve the use.

SECOND BY: Ms. Szakmeister

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

ROLL CALL: 5-0-2 (Mr. Kologie and Mr. Hijazi – absent)

D. WTVE-TV READING BROADCASTING INC. – GEORGE L. MILLER, III, TRUSTEE/WTVE-TV ANTENNA ADDITION CONDITONAL USE #CU-01-06 – SHERRY HILL ROAD (TIME LIMIT 08/14/06)

E. WTVE-TV READING BROADCASTING INC. – GEORGE L. MILLER, III, TRUSTEE/WTVE-TV ANTENNA ADDITION SITE PLAN #SP-02-06 – SHERRY HILL ROAD (TIME LIMIT 09/13/06)

Erich Schock, Attorney, Todd Stewart, Broadcast Director, and Gibson White, Director of Engineering from WTVE-TV/DT were present.

Attorney Schock said this is an existing communications tower. It has what is cellular communication antennas. This would be television communication antennas which falls under the same provision in your ordinance, so we're following the same procedure we would if this were a cell tower co-location. This is actually, in some respect, less than the communication tower co-location as there is no equipment shelter or buildings in the base. It is merely an attachment of the antenna to the existing tower. It will not exceed the height of the tower which is 160 feet and the maximum height of the antenna will be 140 feet. We don't implicate any of those provisions in the ordinance which involve into the addition of the height of the tower. It's fairly basic in that regard. They received the letters from HEA and Boucher & James. A lot of the comments from Boucher & James related to site plan requirements for things on the ground. Our position on those is, for example, we're not doing anything on the ground. We didn't have the capability to provide the information regarding the carbonate geology and things that are listed. He wasn't clear from the letter whether you thought that was a necessity or if you were just saying that's typically on a site plan. Candidly, this doesn't have anything to do with that, so they would be looking for a recommendation from this board that the plan is okay the way it is as they aren't proposing to do any development on the ground.

Mr. Landis said you are only going to put an antenna up and put some equipment in an existing building, no additional lighting. Attorney Schock said correct.

Mr. Tralies said many of the comments regarding the carbonate geology areas are just them doing standard review. If Council or PC feels it's okay to waive these requirements, that's okay with them. Their biggest concern was just getting more information on the plans about the height of the towers.

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Attorney Treadwell asked how much the antenna weighs? Attorney Schock said the antenna is heavy. Attorney Treadwell said is there a structural analysis? Attorney Schock said there's an existing structural for a tower, then it has been supplemented for this particular co-location. That's been submitted and HEA has that. Mr. Kocher said they did review the structural analysis and it is okay. They were in communication today with Mr. White and they've submitted everything they need and the tower is okay.

Mr. Kocher said there is an agreement they need to take care of regarding the eventual removal of the antenna. Attorney Schock said that will be fine.

Mr. Tralies said he'd like to ask that some of our comments get cleaned up a little bit like maximum lot coverage, setbacks, things like that. He'd like it spelled out a little more clearly on the plan. Attorney Schock said they plan to continue to use the AT&T site plan and will add their own additional notes with regard to these items.

Attorney Schock said looking at the Boucher & James letter, 1A through D, they will make the changes on the plan and comply. He said 2 is an existing non-conformity. No. 3A and B, they do not have to do those calculations as they are not making any change to the ground. No. 4 they will provide evidence that these generate no heat, glare, noise, smoke or vibration. No. 5 is existing. No. 6 is an existing non-conformity. No. 7 would be the site plan and they submitted what they believe should comply. 7B was the question with the height and they addressed that. 7C is an existing non-conformity. 7D there are no guy wires. 7E they will comply. 7F is existing. 7G is an existing non-conformity. 7H, you are licensed. Mr. Landis said correct. They will provide that to Council at our hearing. 7I, they can explain and will provide to the Council at the hearing. 7J, the visible impact, doesn't apply. 7K, NEPA - as far as NEPA is concerned, as part of our application to the FCC, they had to meet all those requirements and they'll be willing to provide a copy of the application to that extent. 8 is the driveway. Mr. Stewart said the owner subdivided this lot several times over and owns the property on both sides. He thinks there might be an easement in place, so he may have already done an easement. If one is required, he has no problem giving himself an easement. The same gentlemen owns the same two lots. Mr. Maxfield said 8A, the washout, how is that addressed? Mr. White said they don't own the land and they can't make any improvements to the land, they are only a tenant.

Mr. Maxfield said when a plan comes through with this many conditions on it, please clean up as many as possible before you get to Council.

MOTION BY: Ms. Szakmeister moved for approval of the conditional use.

SECOND BY: Mr. LaBuda

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

ROLL CALL: 5-0-2 (Mr. Kologie and Mr. Hijazi – Absent)

MOTION BY: Mr. Maxfield moved for approval of the site plan plus include as much information in notes on the plan as possible and make sure it's cleaned up before it comes to Council.

SECOND BY: Mr. LaBuda

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

ROLL CALL: 5-0-2 (Mr. Kologie and Mr. Hijazi – Absent)

F. JACK MANDELBAUM/2650 REDINGTON ROAD INFORMAL SKETCH PLAN – 2650 REDINGTON ROAD

No one was present.

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – JUNE 15, 2006

Mr. Landis said the approval of minutes are ready for approval.

MOTION BY: Mr. Noble moved for approval of June 15, 2006 minutes.

SECOND BY: Mr. Maxfield

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

ROLL CALL: 5-0-2 (Mr. Kologie and Mr. Hijazi – Absent)

V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

Residents were present for the agenda item, Jack Mandelbaum. Mr. Landis said no one is here to represent them. It's only a sketch plan. The residents studied the plan of Mandelbaum.

- Margaret Bushell, resident from Quarry Lane, said at the present, on and off, they have an entrance from Steel City, Riverside Drive. It's closed more than it's open. As soon as there is any kind of excessive rain or anything like that, they are without an entrance from that direction. Now you want to put in 30 some homes on a road that you cannot pass two cars side-by-side without stopping. The road is very narrow. At the bottom of Quarry Lane, the road is washing away. To re-support it, the state would have to come in and do something about it. When we had Ivan, they have a garage off of East Redington Road, and all the stuff had washed down, so they are having massive runoff. This runoff is creating flooding. They had a truck sitting down there that had six feet of soot and debris that they had to have removed. They lost everything in their garage. When you put these houses up there, the runoff is going to be more excessive. When these houses build above them, they are going to experience basement flooding. They have concerns about the fire protection. They now feel that they don't have any fire protection. Steel City has to come through the Narrows which is closed most of the time. She was told by the state they can do nothing for them. It's an act of God, they should sue the landowner. People like us do not sue their neighbors. When she asked about the fire protection and wanted to know what plan was put in place, who is going to come? They are going to go 7 miles around as the road was closed. Nobody could give her a plan. She called here and talked to people at the Township and no one can give her a plan on who is going to come and rescue them if they have a fire. If another company is called, who tells them where we live and how to find Quarry Lane as it's not in their area. She must have called ten times. There are sinkholes there that are as big as four story homes that were used as dumping grounds. Now they are going to build houses. Is there going to be a geologist who comes in and looks at this. The wells, when you start putting all these wells in, what's her well going to be worth? The last water table, they had to lower their pump to the last area where it could be leveled. It can't go down any further. They are of meager means. They don't have a lot of money to be re-drilling. Where's the water going to come for the fires? What about taxes? None of us will be able to afford the taxes. She has deer coming on to her deck now because of all the building. There is no place for them to go. What is going to happen with another 35 homes? Come out to her road and park two cars next to each other. Mr. Landis said the primary access to this is going to be from the other direction. Ms. Bushell said did you ever make that corner? Mr. Landis said he knows the problem with that. Mr. Maxfield said Steel City is the company you deal with. Ms. Bushnell said she knows it's Steel City, but they have to go 7 miles if Riverside Drive is closed. We have closer companies, but how will they find us quickly. She hopes they will think about what they are saying. Mr. Landis said the best thing to do is be here when this plan is presented. Ms. Szakmeister said call that week and find out if this is going to be on the agenda. Attorney Treadwell said no one has reviewed this. This is just their initial concept when they come in and say what they want to do. This isn't in the pipeline to get reviewed yet.

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- Bruce Petrie, 2626 Redington Road, owns the 144 acre parcel behind this major subdivision. He said he has some major problems with subdivision lot 22. They don't know until they do a full geological survey where that house is going to be plopped down. That being said, their house is about 20 feet from that property line. He didn't move out to the country twenty years ago to look into his neighbors windows. There's a couple who have been living at 2650 Redington Road, for the majority of their life time and have been told they have life time rights. He's the first driveway on the left. He's concerned with their issue. There is an issue with wells on this property. When they moved into their house in the late 80's, their well didn't work and they asked why. When they took the dirt on the other side of Redington Road to build up Route 78, it ran dry. They had to sink another well and went down about 280 feet. That being said, that's a concern. His other concern is they have a relationship with local hunters where they give them exclusive hunting rights on their property, but they help his wife bale hay. They have horses. When these developments get built and people move out from the city and all of a sudden they start not liking the smells and they start complaining. They would like to maintain the country atmosphere. They actually had to sue under the PA Private Condemnation Statute for that easement going from Redington Road to their driveway. One of his concerns is that the attorney representing them said if they ever go to put a subdivision in here, it's really not fair for you to have a 15 foot easement where you can't ever develop it and allow a development here, so that's obviously more on a personal nature. Mr. Landis said these are actually listed as one acre lots. These lots before being approved, would have to be approved for on lot sewerage and would present some kind of problem for the number of houses. In order to have an approved lot in this township, you have to have two perk sites. This is RA and what they are trying to do is use a cluster type of concept. Say you want to put in 20 homes with 40 acres. Instead of putting the 20 homes in the 40 acres, you leave 20 acres of open space and that's permissible under our cluster ordinance. However, you still have to have on lot septic and that sometimes presents problems. Mr. Petrie said years ago he came to the zoning office, saw a map, and on that map were 26 red stars. He asked what the red stars were for? The person said they are all sinkholes, by aerial photographs. Another sinkhole opened on that tract that you could have driven a truck into. Mr. Landis said they have to do a carbonate study. Attorney Treadwell said all these issues brought up tonight will be part of their review process. This is the first time the PC has seen this plan. It's a long way away.

Mr. Garges said right now for subdivision and land developments there are no notification requirements to the neighbors, but they are in the process of putting that requirement into place. This is always available at the township building. Mr. Maxfield said bring photographs if you come to a meeting, Photographs always help.

- Mr. Landis said with the presentation tonight, shouldn't we start requiring developers to put GPS information on their plans. Mr. Garges said we do collect electronic files of all the applications that are filed. They have the ability to bring that into their system right now. In Mr. Kologie's discussion, he said it's not going to be survey accuracy. Right now there are FEMA benchmarks. Mr. Kocher said for the purpose of what you would pull off and use, the accuracy of what you are getting today is probably good. It's not important to know that this inlet in this subdivision is exactly 2,124 feet from the inlet of this other subdivision. Mr. Landis said it's a question as to whether it's useful to Zoning or not.
- Mr. LaBuda said years ago, John said we never had this done where people were notified of surrounding areas. It stopped quite a few years ago. Years ago they came in with a site plan They not only sent it to Steel City, Bethlehem township, they sent it to everybody but the kitchen sink. He checked with Bethlehem Township. What they do down there is have the developer send it out, so we could do the same thing. Mr. Garges said to clarify, you are correct. What used to happen was the township would run the information and say these are the houses and the township used to notify. What they are gearing to requiring with their current ordinance provision is to have the developer notify and provide them with return receipts and notification. It will be a requirement in

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their next ordinance. Keep everything in your minds as the PC will see the ordinance before it is passed.

- Attorney Treadwell said the engineer for the Mandelbaum project just came into the meeting and Attorney Treadwell told him we weren't going to discuss it tonight as there were 15 people here. The PC isn't going to discuss it unless the people who were just here were present.
- Mr. Maxfield said on July 27, EAC is having a presentation on open space and it's going to link right into the referendum we are putting on the ballot for November. It will be at 7:00 PM.

VI. ADJOURNMENT

MOTION BY: Mr. Noble moved to adjourn. The time was 8:07 PM.

SECOND BY: Mr. Maxfield

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

ROLL CALL:

Submitted by:

Mr. John Landis
Chair