I. OPENING

CALL TO ORDER: The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, September 17, 2009, 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; John Lychak, Craig Kologie; Dan Miller, Engineer from Hanover Engineering; Chris Garges, Zoning Officer; Judy Stern Goldstein, Planner from Boucher & James; Linc Treadwell, Solicitor; and Jr. Planning Commission members Jameson Packer and Eubin Hahn. Absent: John Noble and Haz Hijazi. Mr. Landis introduced Jr. Planning Commission members, Jameson Packer and Eubin Hahn .

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

None

III. BUSINESS ITEMS

A. EDWARD & DOLORES HILL – SCENIC VIEW APARTMENTS SITE PLAN #SP 01-08 – 2021 SCENIC VIEW LANE (TIME LIMIT 10/20/09)

Attorney Joe Piperato, representing the Hill's and Doug Hunsicker from Keystone Engineers was present. Attorney Piperato said the Hill's two sons are also present in the audience this evening.

Attorney Piperato said they are making some progress. There is a revised review letter from Boucher & James dated September 9, 2009 that took into account some of the revisions that Mr. Hunsicker had made to the plan. Under application requirements, No. 1A, we mentioned last time, we are seeking some interpretations and/or variances from the Zoning Hearing Board (ZHB), so we would respectfully request that Item 1A be deferred to the Lower Saucon Township ZHB at the appropriate time for consideration of our request in that regard. Depending on what the ZHB decision would be, we would either have to come back and be in additional compliance or maybe receive variances that would excuse us from complying with those requirements.

Attorney Treadwell said he wanted to point out for the Planning Commission (PC), the purpose of tonight's meeting is the review of the site plan requirements. You don't comment or request that the Township take a position on variance issues. It's just the site plan review. He doesn't have a problem with Attorney Piperato wanting to defer that to the ZHB as that's a ZHB question and Council will take a position one way or another or not take a position, but it is something that the ZHB will ultimately decide. Ms. Stern Goldstein said their review is noting the deficiencies in the application. They are all zoning issues. If Mr. Piperato wants to request additional relief, that's certainly his option.

Attorney Piperato said Item B, we are requesting a variance to that section of the ordinance. He knows there appears to be a little bit of discrepancy between Mr. Hunsicker and the review engineer. He asked Doug if he provided the areas of disturbance and set forth those areas of disturbance on the plans that he has submitted, is that correct? Mr. Hunsicker said right. Attorney Piperato said there is a comment in Item B that in addition the limits of disturbance lines shown on the plans, it may not accurately represent the amount of disturbance needed to construct the proposed dwellings and other improvements. He thinks they are looking for some direction on that

comment because Doug believes he has provided the appropriate areas of disturbance on the map and we need a little more guidance in where you think the deficiency is.

Ms. Stern Goldstein said the deficiency is where improvements are proposed and the limits of disturbance are right up against the edge of those improvements without leaving room to accurately grade or feather them into the existing contours. Attorney Piperato said is there a particular area that you are referring to, would that be grading walls and that type of thing? Ms. Stern Goldstein said in areas of the proposed walls, yes. Attorney Piperato said have you addressed that? Mr. Hunsicker said the walls are all within the disturbance. We showed the limit of disturbance basically going to the limit where the contours would be graded. He doesn't intend to grade beyond there. Ms. Stern Goldstein said it's really a matter of getting the equipment in to build the improvements. Mr. Hunsicker said he's a very careful contractor. Ms. Stern Goldstein said those items will come out when they come in for their land development. The reason why they mentioned it as part of this application review is that the site plans required to show that and admittedly they'll have more detail when they come in with the land development. If in fact they are disturbing more and need more relief, that will be their problem. It's not the Township's problem. Attorney Treadwell said if the applicant is fine with the line of disturbance that's shown on the plan, then he doesn't think we have a problem with it. If they disturb beyond that land disturbance then we'll have a problem. Attorney Piperato said we understand that. Mr. Hunsicker agreed.

Ms. Stern Goldstein said the one issue of impervious and whether or not they need relief for the additional impervious, do you want to speak to that, Mr. Piperato? Attorney Piperato said is that in 1A? Ms. Stern Goldstein said it was in 1A, second paragraph. Attorney Treadwell said that's what he thought we were addressing initially which was a ZHB issue and we'll deal with that in front of the ZHB. If the Township's position is going to be that it requires an additional variance, then the Township can take that position in front of the ZHB. Ms. Stern Goldstein said she just wanted to make sure that was clear about the impervious issue. Attorney Piperato said he has amended their zoning application before the ZHB and requested both an interpretation and an alternative, a variance to impervious coverage. Your office probably did not get a copy of that amendment, but we have amended our zoning application and included that item in request for relief. Ms. Stern Goldstein said okay. Attorney Piperato said he knows there is a disagreement over whether or not it's subject to that relief. Ms. Stern Goldstein said we can disagree and you are going the proper route.

Attorney Piperato said Item C, it indicates the plans have been revised to list the required zoning data. Information related to the proposed conditions has not been provided nor has resource protection calculations. When Mr. Hunsicker submitted the information to the Township, he had provided, what he had believes are calculations that are identified as "calculate resource restrictions and resource protection lands in the base area" and he has calculated approximately 13.38 acres of the 14.44 acres to be in the resource protection areas. Ms. Stern Goldstein said what they are asking for is the proposed condition because the zoning ordinance section talks about all proposed building structure uses so they are looking for the zoning data for the proposed conditioning. The requirements are fine, but then you have to demonstrate that you are complying with them, and also the resource protection calculations, you have to demonstrate that the resource is being disturbed are within the allowance, so it's the proposed condition they are looking for. Attorney Piperato said isn't that also the subject of the zoning application as well. Ms. Stern Goldstein said not complying with the extent of the disturbance permitted was listed, but to not put the calculations on, this requirement asks for it to be on the plan too. She is just pointing out that is deficiency on the site plan under the site plan requirements. Attorney Piperato said is that something that can be further addressed during the land development process? Ms. Stern Goldstein said those calculations can be, but the requirement to put them on the plan was on the site plan portion. That's the point she is trying to make. Attorney Piperato said now he understands. You are saying we have the data, but the data is not on the plan? Ms. Stern Goldstein said she doesn't see it on the

plan and doesn't know if you have the data or not. Attorney Piperato said the information that Doug had submitted along with the revised plan, when you say proposed condition, he's confused. Ms. Stern Goldstein said disturbing resources. They are going to put buildings in and they are going to have the reserve septic areas and do some grading, and they will be disturbing some resources. This doesn't show what they propose to disturb and that's what is required in that ordinance section. Attorney Piperato said you have calculated the area that is in the resource protection area, what they are asking for is the specifics on which of those conditions are going to be disturbed by the actual construction on site, i.e., is slope going to be disturbed, if 4.7 acres is listed to be in the environmental sensitive woodlands, you are looking for specific information on how much of that is going to be disturbed by the actual construction. Ms. Stern Goldstein said to comply with the ordinance that says how much you can disturb, yes. Attorney Piperato said for instance in the area where it says slopes of 18 to 15%, that's 8.6 acres, you are looking for the same information as it pertains to that requirement. Ms. Stern Goldstein said yes, you have to show the percentages also to demonstrate compliance. Attorney Piperato asked Mr. Hunsicker if he had that information with him. Mr. Hunsicker said no, but they can calculate it. Attorney Piperato said is that something that can be provided to you subsequent to the hearing this evening? Ms. Stern Goldstein said why don't we wait and see what happens tonight, and we can figure out what the PC is going to do with this tonight. It's not even something if Mr. Hunsicker gave to her right now, she could review in the next half hour real quickly. She would have to do the calculations. Attorney Piperato said he understands.

Attorney Piperato said he doesn't believe there is an issue as it pertains to Item D. Ms. Stern Goldstein said no issue.

Attorney Piperato said what Mr. Hunsicker has told him regarding Item E is the total of ten trees, or in fact the trees that are within the disturbance area, so those are in fact the trees that are going to be removed. You were asking if he understood the review letter, and asked for information as to what particular trees are going to be removed, and what we're saying is the ten trees within the disturbance area are the trees that are going to be removed. Ms. Stern Goldstein said again, that is just something that Mr. Hunsicker would need to put on the plan in order to comply with the ordinance section about the trees. Mr. Hunsicker said they've identified the limit of disturbance. Ms. Stern Goldstein said the ordinance is asking which trees, by note. Mr. Hunsicker said there's a note that says those ten trees within the limit of disturbance are going to be removed. Ms. Stern Goldstein said do you have any proposed trees? Attorney Piperato said there were no proposed trees. Ms. Stern Goldstein said it says "and proposed landscaping and buffer plantings and the destination of those areas, vegetation not to be disturbed". It's the whole phrase. There are portions that you did not comply with on the plan. Attorney Piperato said he understands the comment could really be a two part comment. No. 1, do you propose any additional plantings and his understanding from the last hearing was no. The second part of that request is identify the trees that are going to be removed and Mr. Hunsicker indicates he had identified those within the area of disturbance as the ten trees that are going to be removed. Ms. Stern Goldstein said she will look at the plan again. They didn't see exactly which trees were to be removed. If she missed that, she apologizes and we can go on to the next one.

Attorney Piperato said Item F, you've indicated the note has not been provided on the plans and the plan should be revised accordingly. That was pertaining to lighting. Mr. Hunsicker said that note was on the plan. It's underneath the pictures of the lights. Ms. Stern Goldstein said that's on the plan, somehow they missed it.

Attorney Piperato said Item G is acceptable, as there's a note on the sheet which indicates that the building will match the existing units.
Attorney Piperato said Item H requires the plans, locations, types, sizes, color and illumination of all signs. They were not aware that included a stop sign. They thought you were talking about free

standing signs that are on the sides of business. Ms. Stern Goldstein said that's a simple thing. Attorney Piperato said they will comply with that.

Attorney Piperato said Item I and J, you've agreed that those items are properly addressed during the land development process. Ms. Stern Goldstein said Mr. Hunsicker added the note to the plan as required to comply with those ordinance sections. Attorney Piperato said those notes are on the plan and are acceptable to you? Ms. Stern Goldstein said they are on the plan.

Attorney Piperato said Item K is the subject of a variance request on the traffic study that will be before the ZHB.

Attorney Piperato said the open items are primarily B and C. A is going to be reserved for the ZHB as well. Attorney Treadwell said B, we said you show the line of limit of disturbance and you'll have to live with that. Attorney Piperato said what we are talking about right now is Item C. Mr. Maxfield said and coming to some sort of agreement with E also. It's landscaping, buffer plantings and trees. Attorney Piperato said they were required to put a note on the plan which they have that we are not providing any new landscaping and during the land development process, you will tell us whether or not that's appropriate or not. In terms of complying with the requirements for the plan at this point in time, the note does comply. Mr. Kologie said it sounds like there is a limit of disturbance on the plan and there's ten trees in the limit of disturbance, and we are supposed to draw the conclusion that all ten of those trees are going to be removed? Attorney Piperato said Doug has indicated he has put a note on the plan to that effect. Ms. Stern Goldstein said there's a note on the plan that lists the numbers of trees and the issue is when she and Stef were looking at it, there's a number of trees on the edge, so it would be more clear if they would just mark the specific trees rather than a general note. The intent is there. They are really trying to comply with that one. When they come to land development, they'll have to mark them separately. Attorney Piperato said they will mark the individual trees on the plan so that you are comfortable in knowing which ones they are.

Attorney Piperato said, Doug, regarding C on the resource protection calculations, how long would it take you to provide the information that is being requested as to the particular areas, the actual areas that are going to be disturbed of those two categories? Do you know what they are asking for? Mr. Hunsicker said no. Attorney Piperato said you have in your submission indicated there are certain resources that constitute this site and you've indicated there is 13 acres of natural resources on the site. You've done that calculation. They are asking you to calculate the amount of each one of those resources that is actually going to be disturbed by the work and the construction that is going to occur on site. We've indicated there are steep slopes on the site, so we have to identify how much of those steep slopes are going to be impacted and do a calculation for that. Attorney Treadwell said maybe to try and simplify it, if there are steep slopes, there's a section of the ordinance that says you can only disturb X percent of steep slopes. The reason for that calculation is so you can say, let's just assume the number is 10%, you can say we're disturbing 7%, therefore we meet the 10%. Ms. Stern Goldstein said right, they just have to show that on the plan so we have that. Attorney Piperato said that area of disturbance has been identified by the engineer. If there are steep slope areas, we have to identify the percent of the steep slopes that are going to be affected by the area of disturbance. We also have to do that with any other environmental conditions that are on that on the site, and that's the information they are asking for. Mr. Hunsicker said the only thing we haven't provided, all of the disturbance occurs within the areas of slope that's in-between 8 and 15%. That's within the 8.6 acres of slopes. We are not touching the environmentally woodlands at all. Attorney Piperato said the answer is 0%. Mr. Hunsicker said required preservation is 60% of the 8.68 acres so protected land is 5.21 which is 3.86 acres of unprotected, so we are disturbing less than an acre altogether. What numbers do you want on the plan? Attorney Piperato said they want to know the percentage of the steep slopes within the disturbance area or within the resource area that is being affected. Ms. Stern Goldstein said when you are doing the resource protection calculations, it's the entire resource. If you have a

ten acre site, and it's totally wooded and there's a chunk of steep slopes, you would do the whole site as totally wooded and the whole site as steep slopes so the total for each resource might equal more than the site as there are some that would overlap in reality, but you'd do each resource by itself for this calculation, not for the site capacity. This calculation, this is not the site capacity. Mr. Hunsicker said where does this Paragraph F say this about the zoning data? He thinks they complied with Section F. Ms. Stern Goldstein said this isn't new in the letter. Attorney Piperato said he thinks what Doug is saying is that actually what the clause says is to provide the zoning calculations of how much of that is on site. It does not say anything about affected areas or areas within areas of disturbance. Quite honestly, he has to agree with him that it doesn't say that. Attorney Treadwell said it says zoning data for the proposed building structures or uses as well as zoning calculations of slope and woodland. Mr. Hunsicker said what is it you want us to provide? Attorney Piperato said they want us to provide the amount of steep slope and the amount of environmentally sensitive woodlands that you've identified that are resource areas that are being affected by this project. Mr. Hunsicker said they are not touching the environmentally sensitive woodland. Attorney Piperato said what you are saying is the information you would provide to this PC is that answer is 0% of that particular category. Mr. Hunsicker said all of our development is within the areas of 8 to 15% slope. It falls within those 8.6 acres. Attorney Piperato said that is the calculation that is being requested and that is the calculation we have to make for them. You've already said you can identify that it's 0% of the environmentally woodlands, which you've identified as a resource. You just need to provide them with that information that it's 0%. Now we have to calculate that area that's 8 to 15% of steep slope and how much of that by a percentage basis is being affected. Ms. Stern Goldstein said it might be 0.2 acres and .01%, whatever it is. Mr. Hunsicker said it's going to be somewhere between a quarter and a third of the allowable area to be disturbed. Attorney Piperato said are you saying you believe if you provide that calculation, you are going to be within the limits provided for in the ordinance? Mr. Hunsicker said yes. Attorney Piperato said he's simply asking that so the PC can give us the opportunity if they were to pass this on to Council to provide that information to you prior to the Council meeting to make that determination to your satisfaction. Ms. Stern Goldstein said the other part of this is for some reason they don't comply and they would need another variance, that's going to be their problem when they get to land development. Just so the PC understands that. Attorney Treadwell said he would have no problem with passing this on to Council with this caveat that they will provide that information. Ms. Stern Goldstein said she agrees. Mr. Landis said you need to provide the calculations. Attorney Piperato said they will provide those calculations.

Mr. Landis said we will go to Hanover's letter. Attorney Piperato said he believes Hanover's letter is the same as the last letter, and all of their comments are pretty much things that can be addressed during the land development process. Mr. Landis said that is correct.

Mr. Landis said any other issues? Attorney Piperato said we have to come back before you and we may come back to you without variances, and other things, then we're going to have to go through the process and satisfy the PC with our revised plan at that point in time. We understand there are some open issues we need to get before the Council and the ZHB. Mr. Maxfield said our next meeting is October 15, and the extension is until October 20. Attorney Treadwell said do you want the applicant to come back with another revision to the site plan to the PC? Mr. Maxfield said even if there isn't, there is still that time line there, right? Attorney Treadwell said the extension request was for the October 19 ZHB meeting which means it would have to go to Council on October 7. He doesn't have a problem with the PC passing it on to Council subject to the items we just discussed as he thinks all these items in the Boucher & James letter have been addressed other than providing the calculations and some of the issues that are purely ZHB questions. He doesn't know what good it would do to bring them back to the PC again before they go to the ZHB. Once they go to the ZHB, if they don't get the variances and the relief that they've requested then they are going to have to change their plans when they come back with the land development plans. For this one, specific site plan review issue, he doesn't have a problem moving it forward. Attorney Piperato said frankly, they may not come back at all depending upon what the ZHB decision is.

Ms. Stern Goldstein said they certainly know what all the issues are, so they know what to look for when they come back with land development. It's pretty clear with everybody right now. Attorney Piperato said maybe he should give an extension through the calendar year so it doesn't have to be addressed again. He'd be happy to do that.

MOTION BY: Mr. Lychak moved that the PC recommends approval of the site plan subject to the Boucher & James review letter of September 9, 2009 and the Hanover Engineering review letter of September 9, 2009.
SECOND BY: Mr. Kologie
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-0-2 (Mr. Noble and Mr. Hijazi – Absent)

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – AUGUST 20, 2009

MOTION BY: Mr. Maxfield moved for approval of the August 20, 2009 minutes.
SECOND BY: Mr. Landis
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
ROLL CALL: 4-0-2 (Mr. Noble and Mr. Hijazi – Absent)

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

VII. ADJOURNMENT

Mr. Landis said they did have a joint meeting with Hellertown PC and they actually are doing more than we have done in terms of reviewing plans, they have reviewed nine site plans, and we've hardly done anything. The purpose of the joint meeting was to exchange information on what each group was doing and also one of the things being proposed is an audit be made of the zoning of the Township and Hellertown Borough. They would hire EDP, same group that's done the joint plan. They would do an audit and we would then come together. Mr. Maxfield said the two other recommendations were to refer the formation of a recreation authority to council's for approval and we also want to have a PC representative from each board sit on the Saucon Valley Partnership (SVP). He thought if we can do this now, he'd ask Mr. Landis if he could do this. It would be a good idea if our Chairman went. John has the most experience out of all of us. He's been here longer than anyone of us. He'd like to recommend him to that board.

MOTION BY: Mr. Maxfield move to recommend that Mr. Landis act as the PC representative to attend the SVP meetings.
SECOND BY: Mr. Lychak
ROLL CALL: 4-0-2 (Mr. Hijazi and Mr. Noble – Absent)

MOTION BY: Mr. Maxfield moved for adjournment. The time was 7:35 PM.
SECOND BY: Mr. Kologie
ROLL CALL: 4-0-2 (Mr. Hijazi and Mr. Noble – Absent)

Submitted by:

_____

Mr. John Landis
Chair