

I. **OPENING**

CALL TO ORDER: The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, September 21, 2006, 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. John Landis, Chair, presiding.

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

PLEDGE OF ALLEGIANCE

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

III. **BUSINESS ITEMS**

A. **SMITH BROTERS, LLC – DRAVITZ PRELIMINARY MAJOR SUBDIVISION #MAJ-02-06 – 2845 COUNTY LINE ROAD (TIME LIMIT 11/14/06)**

Dan Smith and Terrence Smith, brothers; and David Martin from Keystone Consulting were present. Mr. Martin said they do not have any objection to any of the comments. He wasn't aware of the comments from the EAC until a couple of days ago. The one comment he wants to talk about is in regard to considering narrower roads. The road width is set forth as per zoning, and they have considered narrowing the road, but for them to do that they'd have to go to Zoning and seek a variance for that since that's set forth in the cluster requirements. Mr. Maxfield said at the EAC, they have been recommending 24 foot width road roads. Attorney Treadwell said the township won't force you to get a variance, but if there's a benefit to you, you may have support from the township for that. They will consider the 24 foot road widths.

Mr. Martin said they talked to Boucher & James about their letter and there are no comments. Mr. Tralies said he'd like to clarify that they said they will comply with everything in their letter? Mr. Martin said yes. Mr. Tralies said he wanted to have that included in Comment 2A, showing the water course and doing the wetland study Mr. Martin said yes. They've done the wetland study and they've done half the Boucher & James comments today.

Mr. Martin said in regard to the HEA letter, he already spoke to Mr. Kocher about a lot of these comments, so he already has clarification. Mr. Kocher said regarding the three way stop sign, make sure you coordinate with the Police Chief through Chris Garges so that your plan and what the Chief thinks is warranted out there is what gets on the plan. Mr. Maxfield said under B 12, it talks about the road widening at the entrance. He saw a 14' mark there, but couldn't see how much the existing road was being changed. Mr. Kocher said he asked for an enlargement detail so they can see more clearly drainage wise, swale wise. Mr. Martin said the existing road isn't being widened that much. The road is skewed from the actual right-of-way, so they don't have to widen more than about a foot or foot and a half. He will provide that blow up. Mr. Kocher said since it's becoming a 90 degree T intersection, that it is clearly a 90 degree T intersection, and that's the widening they have to do just to square that off.

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MOTION BY: Mr. Maxfield moved to table and clean up the plan.

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 & Ms. Szakmeister – Absent)

B. BLAIR-TURNBRIDGE PARTNERSHIP – MCCLOSKEY AVENUE MINOR SUBDIVISION #MIN 03-05 (3612 MCCLOSKEY AVENUE (TIME LIMIT 12/07/06))

TAKEN OFF THE AGENDA

C. MARIE FILLER – FILLER PRELIMINARY MAJOR SUBDIVISION #MAJ-01-06 – 1839 SKIBO ROAD – (TIME LIMIT 11/10/06)

Present were Attorney Dennis McCarthy and Nina Seidel from Heritage. Attorney McCarthy said this subdivision plan is taking the Filler property and breaking it into two parcels. The larger of the two parcels is then part of the Chaffier/Filler plan that is also before the township. They had a meeting with staff back on July 24 to talk about some of the issues with the major plan. It was a very productive meeting and it is moving forward.

Attorney McCarthy said on the Boucher & James letter dated September 13, 2006, they agree with and will comply with all of the comments. The second comment regarding open space and recreation land requirements, they agree that all should be deferred to the major plan. They don't really pertain here. Mr. Tralies has no comments.

Attorney McCarthy said on the HEA letter, B1, they are requesting the two waivers referenced in there. One having to do with showing features and contours within 500 feet and the other from Section 145-43(B)(2). They submitted a letter in connection with those waiver requests. The aerial with the date is on there which is 4-13-05. They have the two waiver requests in B1. On the second one, they want to have a waiver from additional buffer yard. That is referred to comment 8. The request is for the Filler property, the existing house, requiring those things doesn't really make a whole lot of sense. A waiver is being requested for the access restriction, the planting screen, the grading, and the easement for Lot 1, and a deferral for those items for Lot 2. The additional setback has been added to the plan. Mr. Kocher said you agree to the additional setback and agree to provide the turn around on Lot 1? Attorney McCarthy said if we are jumping to 8, the turn around, we think it exists, so he doesn't know if there's a need for any additional turn around. He will make sure they don't have to back out of the driveway. It's a U and there is space where you can come up along the house. Mr. Kocher said let's work on that. The turnaround will be required in driveway of Lot 1 and should be shown. Attorney McCarthy said they will confirm it as it probably already exists. Mr. Kocher said if the commission would like to grant that waiver, the two conditions can be no. 1, they provide the additional setback which Attorney McCarthy said they've done, and that they provide a turn around or show that one exists. Those are the conditions to grant that waiver.

Attorney McCarthy said conditions 1 thru 7, they will comply. No. 8 they discussed already. No. 9 and 10 they will comply. The only issues are the waivers. Mr. Landis said he would hate to create this lot and then because we created this lot, lose our ability to straighten out the Meadows-Skibo road intersection at some time. Are we doing that in any way? Mr. Kocher said they are showing it schematically on here. How it's going to be handled with the major. Mr. Kocher said they have agreed to pursue the option that the township has directed them to proceed in. That's what they are doing. They have realigned those roads. Any real estate would be coming out of Lot No. 2, not the Filler homestead.

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Ms. Seidel had a copy of the proposed intersection which is currently in the township right now. She showed the Planning Commission.

Mr. Landis said he has a letter of August 18, and the first waiver of Section 145-33-C1 is of features within 500 feet.

- MOTION BY:** Mr. Noble moved to grant the waiver as per the August 18, Section 145-33-C1 of features within 500 feet.
- SECOND BY:** Mr. Maxfield
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-1-2 (Mr. LaBuda – No; Mr. Kologie & Ms. Szakmeister – Absent)

Mr. Landis said the second waiver is on Section 145-33-C2 and that's on contour lines within 500 feet.

- MOTION BY:** Mr. Hijazi moved to grant the waiver of Section 145-33-C2 of contour lines within 500 feet.
- SECOND BY:** Mr. Noble
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-1-2 (Mr. LaBuda – No; Mr. Kologie & Ms. Szakmeister – Absent)

Mr. Landis said the third waiver on Section 145-43-B2 which requires additional buffer yard. Mr. Kocher said the conditions being they provide the additional 20 foot setback that is requested and that they either show a turn around exists for Lot 1 or provide one.

- MOTION BY:** Mr. Maxfield moved to grant the waiver on Section 145-43-B2 as described above.
- SECOND BY:** Mr. Hijazi
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-1-2 (Mr. LaBuda – No; Mr. Kologie & Ms. Szakmeister – Absent)

Mr. Landis said the next is the minor subdivision itself and this would be subject to HEA's letter of September 14, 2006 and Boucher & James letter of September 13, 2006. Mr. Kocher said do you want to act specifically on the deferments, separate from the plan or the waivers? Attorney Treadwell said we are fine doing it like this. When we get to Council, you should have the notes on the plan by that time so it's all wrapped up. Attorney McCarthy said when we submitted the application for this, we submitted the plan as both the preliminary and a final as per the application. The plan that they have referenced preliminary final, would it be appropriate to treat this tonight as a preliminary final or not? Attorney Treadwell said it's a major and we usually don't do preliminary final at the same time. Mr. Kocher said they have reviewed it only as a preliminary. Attorney Treadwell said if you vote to recommend approval, we'll make the condition be that the applicant provide an additional easement, if necessary, to allow for the roadway realignment and the clear site triangle.

- MOTION BY:** Mr. Noble moved for preliminary final subject to HEA and Boucher & James letter and the easement condition.
- SECOND BY:** Mr. Hijazi
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-1-2 (Mr. LaBuda – No; Mr. Kologie & Ms. Szakmeister – Absent)

D. JAMES HULETT – HULETT MINOR SUBDIVISION #MIN-02-06 – 2583 MARTINS LANE (TIME LIMIT – 11/15/06)

Mr. David Harte from Harte Engineering was present. He said this is a two lot subdivision. The original tract is about 43 acres. We're cutting off a 11.6 acre lot from the existing parcel leaving a balance of existing parcel of 32 acres. The existing parcel contains an existing dwelling and several out buildings. It's located along Martin's Lane. The site is currently used as a residence, horse farm and it's cultivated and used for agriculture.

Mr. Landis said let's go over the Boucher & James letter. Mr. Harte said they can comply with everything. He understands there are some questions about the base calculation, but he's sure there is no issue with the 32 acre and 11 acre lot. They are not looking to disturb any of the existing trees. They are not looking to change or affect any of the natural resources. The site does contain some steep slopes. They have delineated this on the lot that is being proposed to be subdivided, the balance of the land is not being touched. There are a couple of language things to be cleaned up on some of the notes. If you go to landscaping requirements, there are existing trees along Martin's Lane. They are not looking to change that character. He would like some input on street trees planted between 50 and 100 feet. They'd rather maintain the character of what's out there. Mr. Tralies said if there are existing trees that are out there that are sufficient to meet the requirements, they'd ask that you identify them on the plan and put a note on the plan that says so many street trees are required per the length of frontage and that same number of trees exist and will be retained as street trees. That would be sufficient.

Mr. Harte said "open space and recreation", that's also covered in the Engineer's letter. He's assuming the township would want a fee in lieu of 2,000 square feet of land. Mr. Maxfield said this is up to you. Mr. Harte said in general comments, No. 5B, they have some notes on the drawing that indicate that the proposed dwelling and driveway are schematic in nature noting that the township is not approving that for construction. We think that is appropriate, and we would prefer to leave those notes on the drawing. You need to show a dwelling for DEP planning module approval as that's why it's on the drawing. In no way does it guarantee that that's precisely where a dwelling gets built, nor is he looking for the township to approve that. The township has a grading permit process that is required for construction of a single family dwelling. Mr. Kocher said let's make sure when you show where the driveway meets the edge of the road, you run it so that it's clear there is a swale through the driveway. You can move that, but he doesn't want the subdivision plan to show something other than that. No. 2, make sure we can at least get a driveway along that frontage somewhere with respect to sight distance. He wants to make sure there isn't a lot created there that can't get a driveway. You can put that driveway wherever, as long as you meet the requirements. Mr. Harte said there isn't an issue with sight distance, nor with maintaining a road side swale. Mr. Tralies said the comment you are not touching the remainder of the site, and that's true, but we still need to see all the natural resources and still need the capacity site calculations to cover the entire site. With 30 acres and 11 acres, he doesn't expect any of the calculations to show any kind of issues.

Mr. Harte said on the HEA letter, No. 1, the LV Planning Commission, he received a fax copy today. No. 2, he did not receive anything from the Fire Chief. No. 3, they have requested a waiver to not show existing features within 500 feet of the site. No. 4, they have submitted a planning module to the township. No. 5, they will show the names of the property owners on the other side of Martin's Lane. No. 6, corner monuments, that's okay. No. 7, right of way, that is to be an easement on Martin's Lane, not fee simple dedication. No. 8, address is not an issue. No. 9, an easement protection area, can you explain what you mean by easement protection area? Mr. Kocher said you have to put an easement on the plan that protects the alternate sewer areas so there is one on record so that the homeowner knows he can't disturb that area. Mr. Harte said what happens if someone wants to move the septic site in the future? Attorney Treadwell said they'll have to come with a revised plan, with a different easement area. Put it on the plan so it's recorded.

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They want the septic area identified. Mr. Harte doesn't have a problem with that. He xeroxed a copy of the easement language and has the definition of easement out of the SALDO. His concern would be if someone wanted to change that in the future, what's involved? Attorney Treadwell doesn't want anyone holding the easement as the township doesn't want to get involved in actually holding an easement for a private septic system. Show it on the plan and put a note on the plan that that's the area that is currently proposed, tested, and survey located. Put in the note, it may be subject to change in the future with township approval. Mr. Maxfield asked if it required a new plan drafted so we have a record of where it is? Attorney Treadwell said it seems to him that's an awful lot to go through to move a system. Maybe if we just have something on file here at the Township with the SEO that says this is where it is as opposed to recording it at the Courthouse. Mr. Harte said the township does have a system in place for this. The building permit is not issued until it's re-perked and until it's located on the grading plan. There is a mechanism in place already. He was concerned with the term "easement" on a record subdivision plan. Mr. Maxfield said it will be on the grading plan.

Mr. Harte, said No. 11, driveway, we talked about earlier and that's not a problem. No. 12, roadside swale flow capacity is not a problem. No. 13, land dedication, B is something that is taken care of when someone takes care of a lot grading plan. He doesn't see any problem with adding the notes and the calculations. Mr. Harte said where the driveway is shown is basically the only place, it is on the outside of the curb. Site distance is not an issue. Maintaining a swale is not an issue. Having a 10% slope is not an issue. It was drawn with a 10% slope in the computer on the center line and the Engineer's comment is when he scales off the inside of the curb, it might be steeper than 10% and the outside might be flatter than 10%. It's not his intent to split hairs on the slope on the driveway. Whenever they design something, they design based upon a center line profile. There are no issues with that.

Mr. Noble said at this point we have some additional real estate if they moved the subdivision line, and then they have to move the driveway, which is subdivided, and we can't move it. Mr. Maxfield said the grade is not an issue, is that what we're saying? Mr. Kocher said all three of those items are regulations that have to be complied with and he has to show compliance. I think what you are saying with your comments is that you will show compliance. Mr. Harte said yes. Mr. Kocher said he believes he can show compliance, he just has to do that. Mr. Harte said this is a preliminary final plan and he doesn't want to belittle any of the comments, but he heard earlier that the submission deadline to get on next month's meeting has passed. He doesn't see any problem in meeting these comments to the satisfaction of your professionals. He would respectfully request that you pass this on with the condition that we don't take this to Council until your professionals have signed off on this and that you make that a condition. If for some reason, he can't meet it to their satisfaction, he will need to be back here then as he will have to move a line or something.

Mr. Maxfield said the condition would have to be that the revisions are actually accomplished on the plan before it goes to Council. Mr. Harte said he totally agrees with that.

- MOTION BY:** Mr. Maxfield moved for waiver of Section 145-33 not to show existing or proposed lines within 500 feet of either lot.
- 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 & Ms. Szakmeister – Absent)

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- MOTION BY:** Mr. LaBuda moved for preliminary final approval as per Boucher & James and HEA letters, and before it goes to Council, it is a clean plan.
- 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 & Ms. Szakmeister – Absent)

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – AUGUST 17., 2006

TABLED - THEY JUST RECEIVED THE MINUTES

V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

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

VI. ADJOURNMENT

- MOTION BY:** Mr. LaBuda moved to adjourn. The time was 7:40 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:** 5-0-2 (Mr. Kologie & Ms. Szakmeister – Absent)

Submitted by:

Mr. John Landis, Chair