

I. OPENING

CALL TO ORDER: The Planning Commission of Lower Saucon Township was called to order on Thursday, September 25, 2014 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, Secretary; Craig Kologie, John Noble, Sandra Yerger, members; Karen Mallo, Boucher & James; Kevin Chimics, Hanover Engineering; Chris Garges, Zoning Officer; Linc Treadwell, Solicitor. Jr. Council Member: Mikayla Deiter. Absent: Scott Kennedy.

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS – None

III. BUSINESS ITEMS

A. LEWIS AVENUE TIMBER HARVEST SITE PLAN #SP 01-14 – 4214 LEWIS AVENUE – EXP. 12/24/14

No one was present for the applicant.

MOTION BY: Mr. Kologie moved to table this agenda item as the applicants aren't present.

SECOND BY: Mr. Maxfield

ROLL CALL: 6-0 (Scott Kennedy - Absent)

B. BRUCE & GINGER PETRIE – AT THE HELM MAJOR #MAJ 01-14 – REDINGTON ROAD – EXP. 12/24/14

Mr. Art Swallow was present. He prepared the plans for the Petrie's. The Petrie's purchased 70 acres of property known as the Helm's Estate on Redington Road. He explained from the plans where the plot of land was located. The Petrie's have proposed to create a subdivision called "At the Helm" and propose five new residential lots. There's an existing farmstead, the old Helms farmstead which will be maintained as an existing dwelling unit. The Petrie's plan to offer the remaining tract along with some other property they own for conservation, which is in the process right now. They've received reviews from the Township's engineer and planner concerning the subdivision, which they will take under advisement. There are a lot of compliance items. Over the last few months, they've done soils testing for sewage disposal systems and stormwater management systems on the site. They discussed the lot sizes and the impacts of the development. They filed for individual permits for five driveways from PennDOT. There's a driveway that has always existed to a farmhouse where the Petrie's now live and they are going to maintain it as their main driveway to the farmstead.

Mr. Maxfield asked the current state of the road? Mr. Swallow said it's all paved. The area in the back is woodlands and then becomes very steep. They don't intend to disturb or develop in that area. Because of the desire to convey just about 10 acres, they had to do a little tricky geometry to keep the main tract connected with the residual lands. It creates what the engineer calls an irregular lot, but is compliant with Township zoning.

Mr. Landis said they can go over the Hanover letter. Mr. Swallow said there were a couple of things he needed for clarification. Dan Miller's letter goes into a lot of the infiltration. No. 8 on page 5, what the engineer is asking for is sketch plans showing development on the entire holdings. It's pretty well-known in the Township that there is no other plan for development, but for conservation. Could that just go away? It's not very clear what it's for. Mr. Chimics said Dan spoke with you about the possibility of adjusting Lot 7 and then joining it with the remaining property. Mr. Swallow said it was mentioned. Mr. Chimics said there was some concern about the

property to the rear only being accessed by the 18' driveway. Mr. Swallow said it would be a smaller tract; it may not be as simple as Dan was alluding to.

Mr. Kologie said you could add a note on the plan it's the intent to preserve the conservation easement, and then should there be any future development, it would be required to come before the board for approval. Attorney Treadwell said would it make sense to address that comment to show all of the applicant's holdings on one sheet and then the lots to be subdivided and the areas to be conserved. Mr. Noble said there's a subdivision we're looking at right now and then there's a conservation easement, two separate items. Somehow we're trying to fold them all together and make this conservation easement part of the subdivision process. Attorney Treadwell said it's not part of the subdivision process.

Mr. Landis said they will discuss the Boucher & James letter. Mr. Swallow said they really don't have too many problems with any of the comments.

Attorney Treadwell said his question was to address the Hanover comment about future development of the out parcels that you could show it as a proposed conservation easement and that's the future development. Mr. Noble said should we be putting those notes on a plan that aren't necessarily relevant to approving this subdivision? Attorney Treadwell said the subdivision stands by itself. The easement might never happen.

Mr. Noble doesn't know why Dan said that in his letter. Mr. Garges said what Dan is getting at is even if those weren't the Petrie's property behind this, it has no frontage or connectivity on the roads, so he believes what the intent of the ordinance was when it was written was to say if we are developing this and this is behind it we owe it to ourselves from a planning perspective to at least look at the lot behind it to see if what we are doing in this application creates any issues for that behind it. That's what the gist of this section of the ordinance refers to. Mr. Maxfield said it doesn't always have to be the same landowner. Dan is trying to say we need to formalize the ability to access that property in the back. Right now it goes through a piece of property which has a property line around it which is separate from the property in the back. Mr. Noble said it's a formalized easement that's in place. Mr. Maxfield said it's an easement, but this whole process of subdivision is only made possible by the acquisition of the property in the front. That entryway to get to the property in the back should be formalized. We couldn't conserve the property before because the drive wasn't wide enough. Maybe we need to establish a space that is wide enough in case it ever does change ownership, then you have a good solid connection and you have road frontage. Just because it's under conservation easement, it doesn't mean that it will always stay with one owner. From a subdivision standpoint, you have this lot in the front. It's got a drive going through it that and the condition of the drive hasn't changed, it was covered under easement and you have not expanded that area at all. That lot is not technically joined to the lot in the back. He'd like to see something more formal.

Mr. Landis said you need to widen the easement. Mr. Maxfield said if just for some reason that lot in the front sold to someone else then they are back to an easement again going through the property. A note on the plan would take care of that.

Mr. Swallow said in the interim before they return, they might be able to address the P/C's concern. Think about the future in case it's sold or a second way out. Mr. Maxfield said a cleaner type of condition. Mr. Swallow said he can come up with something. They can resolve it tonight.

Mr. Swallow said they had some comments on the module, some technical details. They will comply with the Hanover letter and they seem to be manageable. He will ask permission to meet with Hanover. Mr. Maxfield said on No. 8, it was just his request; he'll go with what the majority says. Mr. Landis said it has to be noted if it would change in the future.

Mr. Landis asked if they had any issues with the Boucher & James letter. Mr. Swallow said they still have the site capacity calculations that nobody seems to know how to do it except B&J. He will rely on contacting B&J. They will work through some of the restrictions. It's confusing to him as the designer of the project on page 3, item 2, non-compatible uses, he realizes it's in the zoning ordinance, but they are in a rural agricultural zone. He wouldn't know what kind of buffering requirements the Township would be looking for or whether the comment is even pertinent. This is an item to discuss without going to the ZHB for a variance, is there a way they could accommodate that provision of the ordinance? Mr. Maxfield said it kind of seems like the plan for a buffer would be a wasted effort. Ms. Mallo said it's just a general comment when there's an agricultural use. If it's residential going in and agricultural exists, the residential has to provide the buffer. If agricultural goes in and it's next to residential, then agricultural has to provide the buffer. In certain situations, you'll have double buffers; however, it's really just a matter of them dimensioning it and showing it on the plans. They don't even show a buffer line on the plan. If it's defined as open space, then there isn't a requirement. Mr. Swallow said maybe the Township isn't looking for a structural buffer, but perhaps a distance to know this is a transition area. Mr. Landis said we get to define what and where the buffer is. It's probably not a bad idea to have the buffer location in question. Ms. Mallo said there's a provision in the ordinance which she read, and the P/C can make a recommendation to Council as to the suitability of what a buffer yard is. Mr. Swallow said some of the regulations do have a P/C input which could preclude the necessity to go to the ZHB. He welcomes that. The next submission they will address that. Attorney Treadwell asked Mr. Swallow to get the language from the Lehigh County municipality when you come back.

Mr. Swallow said they haven't received any comments from PennDOT on their driveways yet or on road improvements which could change their grading and lot improvement plans. They are comfortable they would be aggravating any situation that exists. He'll report to the P/C next time.

MOTION BY: Mr. Lychak moved to table the application
SECOND BY: Mr. Maxfield
ROLL CALL: 6-0 (Scott Kennedy – Absent)

Mr. Allan Johnson said he lives adjacent to a farmland and one of the problems is the farmers spray gets carried by the wind and this could very easily kill your lawn. He thinks having a buffer area at least gives the homeowner some legal thing to argue about if he has an arrogant farmer he has to deal with. Mr. Petrie said they are going in front of Williams Township to put their entire property in the ag security area, so he doesn't know if that's an impact or any decision on the buffer.

IV. MISCELLANEOUS BUSINESS ITEMS

A. WOODLAND HILLS MINOR – PRESENTED BY LOWER SAUCON TOWNSHIP

Attorney Treadwell said you have a plan that has four lots identified on it, which will be three lots when it's done. It used to be the Woodland Hills golf course. Lot 1 is a residential lot owned by Mr. Patullo and vacant. Lot 2 is the vast majority of the golf course owned by Mr. Patullo. Lot 3 will be created as a separate lot that contains the existing clubhouse and other outbuildings as well as the driveway that goes out to Lower Saucon Road. Lot 4 takes the existing house fronting on Lower Saucon Road and adds a piece of property to it that contains two garages on it. When all is said and done, the proposal is that Lot 1 and 2 would be acquired by the Township. Lot 3 there is currently agreement of sale for Mr. Patullo to sell that to the Hindu Temple. Lot 4 would remain in its current ownership; it just gets a little bigger. The real purpose of the subdivision is to create separate lots so the Township can acquire the majority of the golf course as open space. Boucher & James did calculations and impervious calculations as well and each what will be the three lots each have additional impervious coverage that can be utilized in the future, just like we make any other applicant do.

Mr. Landis asked what will Lot 1 and 2 be? Attorney Treadwell said it's his understanding from Council that it will just remain open. Mr. Maxfield said we got County money and one of the

requirements was that we let it go wild and put paths in it. Mrs. Yerger said there are existing golf cart paths there now.

Mr. Noble said has septic research been done? Mr. Garges said the system that was there was somewhat recently permitted as far as back-up goes. The facility that's there has gotten a permit and the system is up-to-date. Mr. Landis said wouldn't you have to have an alternate septic system? Mr. Garges said the way this would proceed as far as the use of it, that use of the existing building went through the ZHB as a social building and the zoning relief said it was four properties so basically since we don't have the term in our ordinance as banquet facility, that's what its current use is. The agreement that's under sale would change the use to a religious use for a church. That would have to be evaluated at the time of the site plan. Lot 4 exists now; it's just growing in size. Mr. Noble said we have to look at this like we look at everyone else. Mr. Maxfield said regarding Lot 3, it has a parking lot, do we have numbers on impervious on that? Mr. Garges said it's 2.74 acres. Ms. Mallo did the percentages, but doesn't know what they are. Mr. Garges said they looked at what the percentage was for the district and the use and there are no nonconformities. In that table, there's additional impervious allotted to them which would not put them over the percentage for either the use or the district.

Attorney Treadwell said he suggests you make it a condition before it goes to Council that alternate septic sites be shown as it's kind of a time sensitive issue. Mr. Noble said we have to make sure we are creating a fully compliant lot. Mr. Garges said when we did the draft for the subdivision purchased there, there was not sewage planning done. Attorney Treadwell said what Mr. Noble is saying is that we're creating a lot that is going to be used for something. Dravec we didn't create any lots that had a use. Mr. Landis said we can move on this with a condition of an alternate septic. Mr. Garges said when this subdivision came through initially, there was testing done for stormwater and septic for everything. This lot pretty much mimics what was on that original plan. It was done by a different engineer and it may well be done. We just have to look. The locations would be on the plan. Ms. Mallo said the existing impervious is 19.8% and the proposed is what we are allotting them which is 30%. The maximum is about 20% or 25%. Mr. Garges said for the RA it's 20% and for the current use on the property it was 30%. Ms. Mallo said we've done this before for other subdivisions with acreage preserved and relocated the impervious so the larger lot has a reduced impervious not used. Mr. Noble said you'll need a note on there. Ms. Mallo said that's already done.

Mr. Chimics said there are two items the Township may want to clarify on the plan before it moves forward. On Lot 4, there are two existing driveways that cross the property line onto Lot 3. You may want to clarify if they are going to remain and if they are there may need to be some type of cross access easement to allow the owner of Lot 4 to cross over to Lot 3 or they should be removed so there is no access across lots. Attorney Treadwell said if they build a new driveway, the other option is when this subdivision gets recorded, the owner of Lot 3 and 4 are the same person. Before Lot 3 gets conveyed, they will have to work something out as how they are going to do that. Mr. Chimics said with a subdivision, the Township can require a right-of-way dedication and the existing lot that is being combined with Lot 4, probably goes to the roadway, so the Township may want to set aside an area for dedication. Mr. Maxfield said there's no existing right-of-way now on Lot 4. Mr. Chimics said the right-of-way goes across the road. Mr. Maxfield said if we are going to condition this, as well as addressing the septic for Lot 3, we should probably see if there's background info as well as existing site and alternate site.

Mr. Landis said what do we have to do about the right-of-way? Attorney Treadwell said just ask the owner if they will dedicate it. The deed line for the owner of Lot 4 goes to the other side of Lower Saucon Road. The question is does he want to dedicate it to the Township. The other option is he could take care of it if he wanted to or he can offer it to us. Mr. Maxfield said once the subdivision goes through, we won't have access to that property through the main entrance way, we'll have to use the other one. Attorney Treadwell said correct.

**Planning Commission Meeting
September 25, 2014**

MOTION BY: Mr. Maxfield moved to recommend approval of the Woodland Hills subdivision with conditions that it comply with the septic requirements for Lots 3 and 4.
SECOND BY: Mrs. Yerger
ROLL CALL: 6-0 (Scott Kennedy – Absent)

B. REVIEW OF MARTIN & MARTIN 08/04/14 LETTER REQUESTING RESPONSE FOR IESI FORM D

Mr. Landis said this agenda item is requesting response for IESI Form D for DEP. Attorney Treadwell said the question that the IESI engineer put to the Township – is there anything within a mile radius of the landfill site that has environmentally sensitive areas or recreation type areas. Jim Birdsall from Hanover Engineering prepared a letter identifying 8 to 10 places. Mr. Landis said he doesn't think there's anything that involves the P/C.

C. APPROVAL OF MINUTES – JULY 24, 2014

MOTION BY: Mr. Noble moved for approval of the July 24, 2014 minutes.
SECOND BY: Mr. Maxfield
ROLL CALL: 6-0 (Scott Kennedy – Absent)

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

VI. ADJOURNMENT

MOTION BY: Mrs. Yerger moved for adjournment. The time was 8:12 PM.
SECOND BY: Mr. Noble
ROLL CALL: 6-0 (Scott Kennedy – Absent)

Submitted by:

Mr. John Landis, Chair