

I. OPENING

CALL TO ORDER: The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, October 16, 2008, 7:15 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. John Landis, Chair, presiding.

ROLL CALL: Present: Jack Cahalan, Township Manager; John Landis, Chair; Fran LaBuda, Secretary; Tom Maxfield; Haz Hijazi, Dan Miller, Engineer from Hanover Engineering; Chris Garges, Zoning Officer; Stacy Ogur, Planner from Boucher & James. Absent: John Lychak, John Noble, Craig Kologie, and Dave Shafkowitz, Solicitor.

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

III. BUSINESS ITEMS

A. LOWER SAUCON PLANNING COMMISSION – RECOMMENDATION OF THE MULTI MUNICIPAL COMPREHENSIVE PLAN

Present – Carolyn Yagle was present with Environmental Planning and Design (EPD). They are working with the Saucon Valley Partnership (SVP) over the last two years in terms of the multi-municipal comprehensive plan with the Hellertown Borough and the Saucon Valley School District. A couple of weeks ago they had a very great meeting with Hellertown Borough Planning Commission (HBPC) and with Lower Saucon Planning Commission (LSPC) to talk about some of the concepts that have emerged as part of the draft work that the SVP has been working towards. The document she just handed out represents an Executive Summary. It's slightly different than the one they had passed out at the meeting in September, but this is in regard to some of the comments they had received from you as well as from HBPC members to try and create a very quick summary for residents, whether they are new residents or residents wanting to learn about the concepts behind the Comprehensive Plan. She passed out a glossy item that can be put into a resident packet so that people are well aware of the effort that one has been initiated to and is being encouraged as part of the HBPC, LSTPC and the School District's efforts of moving forward together on certain activities. They have received some comments during the session where they met with the SVP and presented this document to them. On Tuesday, she met with the HBPC on Tuesday evening and last evening she met with the Lower Saucon Township Council (LSTC) to give them a few highlights and what would be coming to them as part of the draft plan going out for public review. The purpose of this specific meeting tonight is to identify as all of you as a Planning Commission would make it a recommendation from your consideration that the draft comprehensive plan be forwarded on to council for its consideration in making it an official public review draft. We're not coming this evening to get an approval or that type of thing, but what we are doing is coming tonight to see if you all would agree and recommend that it's okay for us to take the draft to Council for their consideration again in moving forward as part of an official public review period which is required by the MPC. The other items are in response to the joint planning session that occurred where there was discussion you had with Hellertown to add an action item to the Action Plan which is in Part II about the establishing sort of a regular basis for getting back with Hellertown a couple times a year so you can discuss the Comprehensive Plan status and the efforts that are in that. Currently, in the draft we put forward to the SVP, it's ready for your consideration. That action does not exist and the reason at this point and time is because we weren't able to make an official incorporation of that action from the PC meeting as there was

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no official recommendation made at that meeting, but we wanted to put that to you as a formal discussion to you this evening, if you are alright with that. The last item is in regard to some of the comments that were received at last night's Council session where there were some requests to incorporate some additional information about the communities history and some references to other documents that have reference, some of the areas of the township from their historical setting. Today we were provided with that information. It's actually based on a summary from the League of Women Voters that was prepared. That was based on last night Council discussion. The map on the screen is the overall diagram that has been refined and enhanced on the discussion we had with all of you and this was presented as part of the Joint Planning session.

Mr. LaBuda asked how their meeting went with HBPC. When he was at the last meeting, a couple guys looked like happy campers and a couple didn't look like happy campers. Are they all in agreement with what you are doing? Some didn't look like it. Carolyn said there was a quorum at the HBPC and all of them voted in favor to forward it to their Borough Council for consideration and review and putting it forth for public review. The other aspect there was discussion with those HBPC of things that happened at that joint session and those points were also addressed at the SVP meeting. We were able to go into the PC meeting with a strong sense that the SVP was ready to move forward with this. Some of the audience members at Tuesday's HBPC's meeting were also trying to encourage the HBPC to forward the document on, which they did.

Mr. Landis said he has no problem forwarding it on. Mr. Maxfield said the things that were referenced last night, like the villages and the villages that remain, what are your plans for incorporating them at this point? Last night there was a statement made of referring them to areas that need specific things but these areas are kind of vague and don't have boundaries, so will they just be referenced on a map or what will happen there? Carolyn said currently, the majority of the villages are addressed in the plan in a couple of way in response to that discussion last evening. We also acknowledged the way in which those villages are currently addressed in the plan was something as the SVP as a whole reviewed and approved. What we anticipate doing is looking at the information we've been provided, recognizing that currently in the plan there are many of the villages that are recognized by name on the map. There are also a series of character district map and those district names aren't going to change, but they are anticipating that in the text we are going to talk about if there are other villages, former or current references, that are on a smaller scale contained within those areas. The second component is we have an appendix of the document that includes a detail of things like the detailed traffic counts that were developed as part of the efforts and information that has been compiled as a background status. The information for their historical account are going to be included as a separate appendix. Those detailed documents are going to be incorporated in a number of ways. The information is just historical and does not affect the Action Plan at all. Mr. Landis said it really isn't affecting the plan. Carolyn said in terms of changing the action list, it does not.

- MOTION BY:** Mr. Fran LaBuda moved to recommend the draft plan be presented to Town Council and advertise for the required public review period.
- SECOND BY:** Mr. Hijazi
Mr. Landis asked if anyone in the audience had any questions or comments? No one raised their hand.
- ROLL CALL:** 4-0 (Mr. Lychak, Mr. Noble, Mr. Kologie – Absent)

Discussion took place about the amount of time between the meetings with HBPC and the LSTPC.

- MOTION BY:** Mr. Fran LaBuda moved to amend the Action Plan to include the recommendations of joint municipal meetings between Hellertown Borough and Lower Saucon Township on a bi-annual basis or as needed.
- SECOND BY:** Mr. Maxfield

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

ROLL CALL: 4-0 (Mr. Lychak, Mr. Noble, Mr. Kologie – Absent)

Mr. Landis said what about the history. Carolyn said she thinks you have to make a motion.

MOTION BY: Mr. Maxfield moved to amend the draft plan to include a section referencing the individual communities within Lower Saucon Township and their history.

SECOND BY: Mr. Hijazi

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

ROLL CALL: 4-0 (Mr. Lychak, Mr. Noble, Mr. Kologie – Absent)

Carolyn said they are going to be incorporating refinements they discussed this evening. There are also minor refinements in the audience at the SVP made. They are going to put those in a summary and have the document given to both municipalities and the School District so that both meetings of Council at the beginning of November, and can be on their agendas. There is a lot going on in both communities between now and November. The Council's can decide how they want to proceed with that. They will work with Township staff and other members so that we can identify from an overall schedule standpoint and will keep you abreast of what that is.

**B. ADAMS OUTDOOR ADVERTISING – ADAMS OUTDOOR ADVERTISING SITE PLAN
SP 03-08 – EDWARD STREET & ROUTE 378 (TIME LIMIT 12/16/08)**

Present: Andy Warner, property owner, Ms. Lois Arciszewski, Lease Manager from Adams; Dave Pappentick from Adams and Victor Cavacini, Attorney.

Mr. Garges said the plan before you is the site plan for their special exception application. You are looking at the site plan to make a recommendation to the Zoning Hearing Board (ZHB) on the site plan regarding the special exception application.

Mr. Warner said they are at the corner of 378 and Colesville Road. There are two billboards there now. They want to work out an arrangement for those to be taken down. They have been working together to take down the billboards on 378 and raise one up to I78. They came up with this arrangement to make this happen. Another thing he has offered to do is to put a "Welcome to Lower Saucon Township" sign up in place of the existing double decker billboard structure. Everything hinges on getting this billboard transaction done because he's not going to be able to build the bank without those billboards that are there now being removed and certainly from a developmental and economical perspective, we all know that would be beneficial for LST. We need to get this part of it done. He owns all the property and structures all around and there is not any other person's property hindered in any way. Ms. Arciszewski said she's works for Adams Outdoor Advertising. They have been working as a team. She said Mr. Warner and Adams Outdoor Adverting started talking in February 2002. This is a long time coming to get in front to the Township PC. It's two years ago this December that they first introduced this idea to your Board of Supervisors. They were in front of them a few months ago and did get a favorable nod to proceed to the ZHB. They made the decision to file an application to the ZHB for a special exception use. We're here before you with the idea of the project, the specifics of it, some photos, our site plan which has been submitted and then we are here to ask for your favorable recommendation to the ZHB.

We have distributed photo illustrations of what we have and what we are proposing to do. The first photograph is the site of Embassy Bank. The second photograph is the structure to be removed south of the I78 overpass. They will remove two billboard structures. They have a photo

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visualization. It is showing you what it would look on I78 westbound. You can see the crane and we actually go out on site, raise a crane with a piece of plywood and determine what is the height of the structure we would need. Based on the type of billboard product to be built, we insert that. That's what the proposed structure would look like going West on I78 and the next is coming East bound. They did lighting experiments. The existing billboards have illumination on 378. With this billboard, there would be no illumination, on ground level, on 378. You can see driving southbound; the motorists would just see the column of the structure. What we have at the end is Mr. Warner has proposed to the Township, he would construct a sign "Welcome to Lower Saucon".

Mr. Garges said Mr. Cavacini had sent a letter to Mr. Kocher. When they reviewed Mr. Kocher's letter, there was some discussion in there about if it would qualify for a land development or not. Mr. Cavacini had sent some case law as he referenced here and Dave Shafkowitz looked at it, and does agree that the case law and it would not qualify as a land development, just a site plan. A copy was handed out to PC of the case and the correspondence. Mr. Cavacini said the existing signs are all nonconforming. The basis of appeal before the ZHB seeks special exception relief predicated on the nonconforming aspect of what is there now. That is scheduled to be heard November 17 with the ZHB and the Council on November 5.

Mr. Hijazi said is the billboard going to be one column that you can see from both sides? Ms. Arciszewski said it will be one pole. It will have two signed faces. One will be visible for motorists traveling westbound and one will be visible to motorists traveling eastbound; both of them on one pole. They have submitted to the ZHB an engineered structure print under the seal of PA Engineer and the site plan you have in front of you. Mr. Hijazi said your concern is you want the two signs in front of the bank to go away? Mr. Warner said yes. Mr. LaBuda said if you remove those signs, he'd hope you never put them back up again. Mr. Warner said that would not happen, once they are gone, they are gone. Ms. Arciszewski said in order to contract a billboard, two permits are necessary, the local township and the PennDOT. This site is a conforming site to PennDOT regulations. Administratively, a local permit must be attached to the DOT application. If it's not attached, it's deemed incomplete, and you are right back where you started. The Outdoor Advertising Control Act of 71 regulates billboard types in terms of the type of zoning the underlying ground must be commercial or industrial, the size of the billboard. PennDOT allows 1200 square feet of a sign face and it controls the spacing between billboards. Even though we don't have a permit, it is conforming to their regulations and certainly confident to secure one. Unlike a municipality, she doesn't want to simplify it, but it truly is a check the box on line and if you check the right boxes, that permit is then secured.

Mr. Garges said with towers like cell phone towers, there is some type of closure bond that would protect the municipality if the advertising agency tanks and walks away from the sign, is that something that is common for these monopole, some evergreen bond that would cover removal? Ms. Arciszewski said in her tenure with Adams, she's in her 13th year, and in addition to working the PA market, she works development for Adams in eight states. She has never had that in her tenure. Would we consider it. It's certainly open for discussion but they have never been in that situation before. They always have the billboards maintained, and if the lease is terminated, the structure is taken down.

Mr. LaBuda said we can put a covenant on that if they abandon that. Mr. Maxfield said they have an easement right now. Mr. Garges said you can make a recommendation to the ZHB that they consider as part of their special exception to discuss or put some type of requirement on. A covenant is you put it on record at the Courthouse and it's binding.

Mr. Garges said the zoning ordinance does speak to abandoned signs, but there is still the enforcement. Mr. Warner said you can articulate your concern and let the ZHB decide.

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Ms. Arciszewski said the lighting on the billboard, this type of product has four lights, bottom mounted, so it would not be shining down to 378. The lights they used and the preferring lighting in the industry is called a metro lux light, specially designed for billboards. There are four per side. The side of the billboard is 14x48 feet. They are shielded and installed out and back in to the billboard. For Council, they took lighting measurements at the existing billboard and then they replicated at another billboard on 309 at Quakertown, and mimicked the weather, the moon, and time of night, and what they found out right now is the lighting on 378 is more than would be when this is up on I78. Mr. Hijazi said do the existing boards right now have lighting? Ms. Arciszewski said two of the boards do and one does not. The reason the experiment was beneficial was the board that is illuminated currently, is the site of the board. The boards are illuminated dusk to midnight and are on their own timer.

Mr. Maxfield asked Ms. Ogur to explain the concerns of the EAC. Ms. Ogur said the concerns were the visual impacts, specially the lighting and its affect on the scenic view throughout the municipality. On the plans that were submitted, there was no information on the lighting. That's a major concern as the municipality has the whole "dark skies" imitative. Ms. Arciszewski said the lighting experiment they did, actually indicates that at ground level there will be less light with the board adjacent to I78 than 378. The size of the current boards is 12x25 feet.

Mr. Hijazi said if you look at the picture of the Welcome sign, if that was wintertime and there was no leaves on the trees and you have that big billboard, how would that be towering over the area? Ms. Arciszewski said when you are on I78, it isn't towering, it is at eye level. From 378, you will see just the pole itself. If you are on 378, because up against 378 the billboard is perpendicular to 378, so when you are on the arterial, you aren't going to see the sign face. It is 68 feet in the air. Mr. Landis said in the wintertime with no leaves, you are looking up at this gigantic sign, but maybe with the highway there, it will blend in. Attorney Cavacini said when the leaves are down, you will see more of it. Mr. Maxfield said he counted nine or ten of those mature trees that are coming down. Ms. Arciszewski said the nine trees are in that general vicinity to that pole. If you look at the first photograph of the structure to be removed at the bank site, you can actually see I78 in the distance. Mr. Landis said the sign will be to the right of it, at a 45 degree angle. Mr. Maxfield said the nine existing trees, will be gone and that will be a giant hole. Ms. Arciszewski said we certainly are willing to discuss some type of planting, but keep in mind the billboard is 68 feet in the air. Mr. Landis said if it is a uni-pole, the sign is 14 x 48, so it's 54 up. Why do all those trees have to be removed? He doesn't know how many are 54 feet high. Attorney Cavacini said they can put some evergreens at eye level. Mr. Maxfield said they would be happy with any kind of camouflaging that would help the view from 378. Ms. Arciszewski said with camouflage, we have had an instance where the brown is Adams brown and we could consider painting it green. Mr. LaBuda said where do you have a sign like this one? Ms. Arciszewski said on I78, in the vicinity of 412, north side, City of Bethlehem; it has Cracker Barrel and Perkins on the other. On an expressway, this is the standard size.

Attorney Cavacini said on the Boucher & James letter, they address the zoning appeal. Section 1A just speaks to your ordinance and the fact that one of the ways of seeking relief is to file a conditional use with the Supervisors. They think at the moment is to proceed with the ZHB. Section B, they will be asking for some dimensional variances. All of these variances sited by Boucher & James, they are well aware of that. Lighting, we can demonstrate compliance with the ordinance. Again there's evidence we would present that the lights are designed to eliminate the sign face itself and not go beyond that. They will insure the preservation of the trees and put some evergreens trees around the base. They are willing to address that. Once the structure is constructed, this type of product is sold to an advertiser on a long term basis.

Mr. Landis said we want have as little of disturbance of trees as possible. Ms. Arciszewski said we are in agreement with that.

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Mr. Landis said the Hanover letter of October 8 2008. Attorney Cavacini said No. 1 is the decision by the PA Supreme Court is that erecting an outdoor advertising sign does not constitute land development under the MPC. Means of access, he thinks we can comply with that. No. 3, PennDOT, there will be a need for their approval as this area is regulated by PennDOT and not only do they need to get relief on a local level, but they need to get it a permit from PennDOT and they feel it isn't going to be a problem. Ms. Arciszewski said this specifically addresses site access and not the structure itself. They do not require a permit for site access. Attorney Cavacini said No. 4 is important to them. It's your SALDO ordinance that requires the ultimate right-of-way. Mr. Miller said Section 180-98 of the zoning ordinance, toward the end it says right-of-way. Mr. Garges said the question would be since it's not a land development. Mr. Garges said is there a method to obtain the additional ten feet of easement. The ten feet of easement in a land development situation would be shown on a recorded plan, easement documents, in favor of the township and would be recorded at time of plan recording. That's the question. Attorney Cavacini said he understands it to be in a SALDO ordinance. He's looking at Section 189-98, F. Mr. Garges said what would come in affect, that additional ten feet, would be part of the setback which isn't really applicable when you are going for dimensional variance anyway. The setback is always measured from the ultimate right-of-way as specified in that Section 180-98. We could get a legal opinion from our Solicitor about No. 4. Mr. Landis said is the pole ten feet back. Ms. Arciszewski said with the scale is 1 inch equals 20 feet, she'd say it is. Mr. Landis said its not 20 feet. Ms. Arciszewski said it is 10 feet. Mr. Landis said we don't have to address that this evening. We may have a problem there. Attorney Cavacini said for this type of road, it doesn't say an additional ten feet. Mr. Garges said it would say 50 feet half way, so 100 feet total for a major arterial. So it would be 100 feet and that's 80. Attorney Cavacini said we have to look at that more closely. Ms. Arciszewski said if it's another 10 feet, it will not work. The parcel is small. Mr. Landis said this is an issue that needs to be addressed. Attorney Cavacini said if it's a zoning issue, he needs a variance in the application.

Mr. Maxfield said the sign itself is going to actually hang off the parcel boundaries. Ms. Arciszewski said yes. Mr. Maxfield said part of it hangs on Edwards Street, what is the Township's position on that? Mr. Miller said it's in the letter. Ms. Arciszewski said No. 5 is related to No. 4. No. 6 they did receive correspondence from the Police Department that did not have any comment, and they are waiting for the Fire Department. No. 7 they have addressed. No. 8 they have a structural print under the seal of a PA engineer. No. 9 they can identify a fall zone. No. 10, they've addressed tonight, but will have it on the plan to clearly identify what billboards are to be removed. No. 11, lighting again, we will address. No. 12, she remembered with their discussion with the engineer, they didn't expect any problems, but it could take time to get that study done, so she's not sure. Mr. Garges said they have been requiring those studies for quite a while and they are actually done in a short amount of time. Ms. Arciszewski said they will address that. No. 13, they had a comment on, and they said in order to make that statement, they would need a title search. No. 14 is no problem. No. 15, they have the history of that, and No. 16 also.

Mr. Maxfield said what kind of documentation do we need for the vacation of Edwards Street? Mr. Miller said if there was an ordinance where it was vacated, then that would mean the Township no longer owns it and it would be 50/50 between the two adjoining owners, who happen to be the same person. Mr. LaBuda said the Fire Department had no comments, but they would like you to put some advertisement on the sign for them. Mr. LaBuda corrected Ms. Arciszewski and said the Supervisors should really be Council.

The Planning Commission suggested conditions:

1. The applicant include an abandonment bond or clause for sign removal.
2. The plans demonstrate minimal site disturbance.
3. The applicant address visual impacts including lighting and scenic views.

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4. The plans propose additional screening, as needed, along Route 378.

MOTION BY: Mr. Hijazi moved to make recommendations to the Zoning Hearing Board with the four conditions as listed above.

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

ROLL CALL: 4-0 (Mr. Lychak, Mr. Noble, Mr. Kologie – Absent)

Mr. Mark Wirth said he's concerned about the footer for the billboard. Is that where the old billboard is? That footer is going to go deep into the ground. There is a drainage swale there that dumps a lot of water from the mountain and the highway, and when that gets filled with flood water, it comes up very high on that embankment. That billboard should have a very good footer. He said they used to dump batteries by the tree line. Mr. Maxfield said it looks where the footer is going in, it's a distance from the swale. Mr. Wirth said the ground there is very wet. Mr. Landis said they have to do soils testing.

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – SEPTEMBER 18, 2008

Mr. Landis said the September 18, 2008 Minutes are prepared. He asked if there were any comments? No one raised their hand.

This was tabled until the next meeting.

B. LABERT LOT LINE SEWAGE FACILITIES NON-BUILDING WAIVER – APPROVAL FOR SIGNATURES

Mr. Garges said there is a lot line adjustment up on Philadelphia Pike. They are just transferring some land. There are two houses there already and the houses will stay. There will be no development. The PC doesn't see lot line adjustments, but we need your signature for the DEP waiver.

MOTION BY: Mr. LaBuda moved for approval and signature of the Labert Lot Line Sewage Facilities Non-Building Waiver.

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

ROLL CALL: 6-0 (Mr. Hijazi – Absent)

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

Present: Mr. Bruce Brichard, 2020 Church Road, Salisbury. He came tonight as he has some pictures of the last storm they had on September 26. Are you aware that pollution is going down Black River all the way to Hellertown. He has documentation of it right after the storm. He gave you copies of the first storm. It was basically chocolate milk and went through your municipality. The development is not in your municipality. Mr. Maxfield said the EAC asked that our consultants look at it. It came up last night at the Council meeting, and our other Engineer and Planner looked at the information and the information that was provided to them was insufficient. Ms. Ogur said they only received the E&S plans and couldn't get a full comprehensive understanding of what was going on. Mr. Garges said what was discussed is if we got a full set, we would have to pay our consultants to review that full set and whatever that review turned out, we don't know what we would be able to do as we are in a different county. This is Northampton County

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and it's a different conservation district. They determined the ultimate enforcement would be the conservation district and the DEP that issued their permits for the NPDES. Mr. Maxfield said they also referred it to Lehigh County Conservation so they are aware we have concerns. Mr. Brichard said the Soils Conservation District was there again and they don't know if he was sited or not. With the amount of homes being built in that area, will it kill the headwaters. Mr. Maxfield said it's massive disturbance that already occurred up there. Salisbury said they have an approved plan and they are going to do it. Mr. Brichard said when he sees chocolate water from Salisbury to Hellertown, he sees it an issue. Mr. Maxfield said he will refer it back to the EAC and will get some volunteers out there to verify. Mr. Brichard showed the PC some pictures of the problem. Mr. Hijazi said they should form an EAC and have them look into this problem.

VII. ADJOURNMENT

- MOTION BY:** Mr. Hijazi moved for adjournment. The time was 8:50 PM.
- SECOND BY:** Mr. Maxfield
- ROLL CALL:** 4-0 (Mr. Lychak, Mr. Noble, Mr. Kologie – Absent)

Submitted by:

Mr. John Landis
Chair