

**I. OPENING**

**CALL TO ORDER:** The Planning Commission of Lower Saucon Township was called to order on Thursday, October 22, 2015 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; Sandra Yerger, Craig Kologie, John Noble, Scott Kennedy; members; Judy Stern Goldstein, Boucher & James; Kevin Chimics, Hanover Engineering; Chris Garges, Zoning Officer; Linc Treadwell, Solicitor. Absent: John Lychak.

**PLEDGE OF ALLEGIANCE**

**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS – None**

**III. BUSINESS ITEMS**

**A. JOHN BLAIR – BLAIR – 3590 ROUTE 378 LAND DEVELOPMENT #LD 02-15 – 3590 ROUTE 378 DRIVE – EXP. 11/25/15**

Taken off the agenda.

**B. SILVER LAND REVIEW OF PROPOSED ORDINANCE AMENDMENT FOR GOLF COURSE OVERLAY DISTRICT**

Mr. Landis said this is a proposal that requires a zoning change. Mr. Kologie said he's a member of Silver Creek Country Club and he's on the Board of Directors there.

Mr. Dave Spirk, developer of the project was present. He said the country club is about 280 acres and it's been a golf course since the 1940's. They are looking to do attached clustering. It's currently what you have in other zoning districts.

Mr. Scott Mease, Engineer was present. He gave an overview of their plans. They are proposing 124 units and the roads are 28' in width. The utilities would be public, served by Hellertown Borough Authority. All the roads are private.

Mr. Jim Preston, attorney for the applicant was present. Mr. Landis asked if there would be a Homeowner's Association (HOA). Attorney Preston said when you purchase one of these homes, you are automatically a member of the HOA and a voting member of the club.

Mr. Mease said this is typically empty-nester/retirees, but it is not age restricted. They will perform a traffic study. Attorney Treadwell said what happens if 15 years from now the golf course doesn't make it? Are you then back here saying you want to put single family homes on the golf course? Attorney Preston said when they do site capacity calculations, they will come up with an acreage which is deed restricted in perpetuity. There was discussion regarding a third party being involved in the easement.

Mr. Spirk said they are buying these parcels, but it's still a golf course that's going to exist on those open spaces. It could be they need a tennis course or that type of thing, so they can't hamper them in what may be things that they can do to better their business plan of a golf course.

Mrs. Yerger said when site capacity calculations were done, she's assuming that the existing buildings were taken into consideration? Ms. Stern-Goldstein said the existing buildings were there, but they don't get subtracted in the site capacity calculations. They subtract it out with existing rights-of-ways along with any leases or covenants and then the proportional part of the resource protection, so what's left over is the net buildable site area and in this case included the building structures, tees, greens of the golf course.

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Attorney Preston said they are hoping to get permission to develop residential components as you see it here. He's saying the golf course needs to reserve the right to do golf course things. Ms. Stern-Goldstein said the issues that Mr. Maxfield was alluding to, the way the golf course manages the site, which in this case has been in a very natural way, and logically responsible, she's anticipating the Township might want to write some of those performance standards into the open space conservation easement.

Mr. Noble asked about 30 years down the road, what happens if they go bankrupt? Attorney Treadwell said he doesn't see any reason why they couldn't put the 30 acres in Hellertown in the same easement. We can't mandate it in our ordinance but there's no reason if the property owner agrees to it that we can't accept it. Mr. Maxfield said that would not stop a third-party beneficiary from enacting some sort of action.

Mr. Maxfield had a question on the private interior streets regarding the curbs and sidewalks. Is your curbing part of the storm water setup or is that something that might be prohibiting some infiltration. Ms. Stern-Goldstein said it was being eliminated because we already have sidewalk standards in our ordinance. Mr. Mease said they are going to have to go through a land development process.

Mrs. Yerger had a concern about having storm water control structures, basins, sewage, wells, etc. in the potential open space. Mrs. Yerger said we're talking golf course use, not for sewage systems for the development. Ms. Stern Goldstein said correct, and we could limit it to those types of facilities that support the golf course uses as described.

Mrs. Yerger had a question about a minimum golf course track size shall be 100 contiguous acres. She's assuming that's the area outside the development. Mr. Mease said that's correct and that's the acreage requirement that's in the current ordinance.

Mr. Landis questioned the impervious coverage and the lots. Mr. Mease said they did try to address the impervious cover making separate requirements and it seemed like in meeting with the staff putting a blanket in impervious coverage over the entire project was probably the better way to go.

Mr. Joseph Sofka, 2015 Wirth Road, spoke about the distance they propose to build from his property and the trees and wildlife in the area. Attorney Preston said there's really no connectivity between Wirth Road and the project. It shows this as an emergency access.

Mr. Robert Koyle, Jr., Wirth Road asked about things dumped in the woods. Mr. Maxfield asked what kind of things are there? Mr. Koyle said tires, car parts, oil, oil filters, and batteries. Mr. Landis said that will have to be remediated before they do anything.

Mrs. Priscilla deLeon, 2140 Saucon Avenue, said when Hellertown wanted to develop the Hellertown dump area next to the Compost Center and they prepared an environmental assessment with DEP. They were asked to define the area of the old dump, and maybe that should be done here.

Attorney Treadwell said the purpose for them to come to the P/C is for the P/C to make a recommendation to Council concerning the proposed ordinance and does the P/C have anything they would like to add in order for the Township staff working with the applicant to get it ready for your action? Mr. Landis asked if we have given them the input needed to finalize this? Attorney Treadwell said it's really out of their hands now and in the hands of the Township staff and consultants to put it in a form that you can make a recommendation on.

Mrs. Yerger spoke about the area where there was dumping and said that if that does eventually end up as open space to the Township, then it becomes our liability and we don't want to see that

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happen. Attorney Treadwell said he doesn't want to create liability where there isn't any. If we don't know about it now, we don't have any liability for it now. He's not saying anyone should ignore it as the buyer has to do something. The minute the Township starts mandating someone to go out there and do it and it's done incorrectly, then oops. Mr. Maxfield said he's not saying mandate, he's saying encourage.

Mr. Maxfield asked if they are planning any phasing of the buildings? Attorney Preston said it's driven by pre-sales. We're going to build them with the demand. Mr. Maxfield was concerned about areas of disturbance, too much at one time.

Mrs. Yerger spoke about the minimum golf course track of 100 contiguous acres and there is a discrepancy with the area of development that you are talking about. Mr. Spirk said this ordinance can be used by anyone in the R-40. If you want to make that higher, it doesn't matter one bit to them. Attorney Preston said if staff comes up with a way to have these units resolve the preservation of the golf course, it's understood there is a discrepancy and they want to capture the discrepancy. Attorney Treadwell said he thinks the current size in the zoning ordinance for a golf course is a 100. That's where the number came from. You have to have a 100 acre minimum to do a golf course. They didn't make up the number, they pulled it from the existing ordinance.

Attorney Treadwell said they will bring this back in November and they will have answers.

**MOTION BY:** Mr. Maxfield moved to table this agenda item.  
**SECOND BY:** Mrs. Yerger  
**ROLL CALL:** 6-0 (Absent – Mr. Lychak)

**IV. MICELLANEOUS BUSINESS ITEMS**

**A. APPROVAL OF MINUTES – SEPTEMBER 24, 2015**

**MOTION BY:** Mr. Maxfield moved for approval of the September 24, 2015 Planning Commission minutes.  
**SECOND BY:** Mr. Kologie  
**ROLL CALL:** 6-0 (Absent – Mr. Lychak)

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

**VI. ADJOURNMENT**

**MOTION BY:** Mr. Maxfield moved for adjournment. The time was 8:30 p.m.  
**SECOND BY:** Mr. Kologie  
**ROLL CALL:** 6-0 (Absent – Mr. Lychak)

Submitted by:

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Mr. John Landis, Chair