

I. OPENING

CALL TO ORDER: The Planning Commission of Lower Saucon Township was called to order on Thursday, October 24, 2013 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, Sandy Yerger, Scott Kennedy, Craig Kologie and John Noble, members; Karen Mallo, Boucher & James; Jim Milot, Hanover Engineering; Linc Treadwell, Solicitor; Chris Garges, Zoning Officer.

PLEDGE OF ALLEGIANCE

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

III. **BUSINESS ITEMS**

A. **THOMAS KREICHEL T – KREICHEL T MINOR SUBDIVISION #MIN01-13 – 4184 COUNTRY SIDE LANE – EXP. 12/23/13**

Thomas Kreichel t, owner and Karl Sherzberger, Keystone Consulting Engineers were present. Mr. Sherzberger said they are proposing to take a little over five acre lot into two separate lots of about 2.2 acres. It's bordered by 78 and Countryside Lane on the southern edge.

Mr. Landis said you received letters from Boucher & James and Hanover. He asked if they had any issues or would they comply with them. Mr. Sherzberger said for the Boucher & James letter, they don't have any issues. They will comply with everything on there. The only thing he might want to mention on there is having the disturbance shown around the secondary or the replacement septic areas. They looked at that and it's not in any environmentally sensitive areas, so they are going to show that disturbance and put that in their calculations. As far as the Hanover letter, there are two things in the letter that they are going to ask a waiver on and there's a third thing in the letter from Jeff Hough for the sewage facilities planning module.

Mr. Landis said (**could not hear him**). Mr. Sherzberger said two of them were from the Hanover and one of them is from the sewage planning module. The first one they are asking for a waiver on the natural features within the 500' surrounding the site. They feel the impact of this subdivision are pretty minor and you can see on the aerial map that to the north is 78 and pretty much everything else in the area is residential and surrounded by woods. They feel there are not any benefits to showing an additional 500' around the entire site for this particular project.

Mr. Maxfield said since it's so limited there, in the past there, they'd been okay with an aerial included, like the basic reduction of that. Mr. Noble said the only problem he had with this whole thing is the neighbor to the east. This whole area is served by well and septic. So there's a shock that you are posing to put your primary mound at a higher elevation where your neighbor to the east could be within 100' radius of his well. He doesn't see his well. His big concern is the potential impact to the neighbor next door.

Mr. Garges said before they get a septic permit, the SEO reviews the location. Mr. Sherzberger said if they show an aerial and locate...Mr. Noble said he doesn't think they need an aerial, you need to locate it. Is that fair? Mr. Garges said show it on the final plans and show where the well is. Mr. Maxfield said the aerial is one thing. That could be included, but there's enough room on the map to show the location of the well for the next property over. Mr. Kologie said or a note saying there's no wells within 100' of the sand mound. Maybe it's 400' away. Maybe they can't

**Planning Commission Meeting
October 24, 2013**

show where it is as it's beyond. The only thing that matters is if it's 100' away. Mr. Noble said what he doesn't want to do is allow them to subdivide something where they don't have the locations that you can put a primary and a secondary within 100'. Mr. Kologie said he's been involved with situations where a neighbor won't allow you on their property to do a survey, so sometimes you do have to put a note on there that it's not within 100'. He's sure they will do what they can. Mr. Sherzberger said they will add the well and his sand mound location in his revised plan. Mr. Kreichelt said if it's too far off, they'll put an arrow to it.

MOTION BY: Mr. Maxfield moved to recommend approval of a waiver from SLDO 145-33.C(1), (2), (3), and (5) and 145-34.B., regarding existing features, subject to: The provision of an aerial photograph showing the 500' surrounding the site; plans being revised to indicate in a note and/or show the location of the well and sand mound on the adjacent property to ensure at least the required 100' radius of the well on the subject property.

SECOND BY: Mr. Kennedy

ROLL CALL: 7-0

Mr. Landis said the next waiver. Mr. Sherzberger said this is regarding the soil permeability testing and infiltration for areas other than the runoff for the roof. Historically, when they submitted these plans in the past they've only ever infiltrated the roof and recently it's been brought to everyone's attention that your ordinance actually always required for infiltration of all the impervious surface. They are requesting that a waiver to not have to do the infiltration on the impervious surfaces as they feel it's really not any different than from the runoff coming from the roof of the house so they agreed to meet the five to one loading ratios and the rest of the comments that are pertaining to that storm water ordinance. They would prefer not to do the infiltration testing at this time. Mr. Milot said their feeling is basically that this waiver is premature. It's not necessary for the minor subdivision and to request a waiver on a post condition that they really have no control over the actual layout of what will be there, it might be premature. If at the time of the grading plan preparation when they know the actual house and driveway configuration, if they would like to seek a waiver at that point, they could come back to Council or having Planning make a recommendation to Council at that point and it might be appropriate, but to just provide for a request on something that's an unknown, we thought it be better addressed at a later date. This section of the ordinance isn't required for the subdivision approval. If you recall in Dan's letter, he addressed some of the drainage and grading issues only because they were included on the plan. Some of these features shown on here pertaining to that could be removed and not necessary for the minor subdivision, so prior to recording the plan if there are conditions in the letter that Keystone and the developer need to address, they may decide to omit some of those specific criteria that are applicable at this point.

Mr. Kologie said it would be better off to remove those details and features on the plan? Mr. Milot said probably, yes, unless they were specifically generic enough to give prior notice to the future owner, but as far as specifics to the size or location, those are unknowns at this point. Mr. Sherzberger said we need to know that at this time to calculate our disturbances for your earth disturbance, that's why we had to size them from the start. He doesn't think we should take them off. Mr. Milot said not all of them. There are some features on there that may not necessarily be finalized at this point.

Mr. Maxfield said can any of that be covered by a plan note, just detailing why they are there on the plan? Mr. Milot said even as putting on there "potential trench 2" rather than proposed, something of that nature, so that's something that can definitely be noted.

Attorney Treadwell said to clean it up if it's going to Council, there should be a motion to not recommend the waiver at this time.

**Planning Commission Meeting
October 24, 2013**

MOTION BY: Mr. Maxfield moved to not recommend the waiver at this time.

Someone said something, could not hear them, so Mr. Maxfield withdrew his motion.

SECOND BY:
ROLL CALL:

Mr. Garges said the Chapter 130, our septic regulations, since the update that we did a few years ago to our ordinance which brought all the on lot sewage to a minimum of two acres from 3 acres to be consistent with our zoning minimum lot requirements, the septic section has not been changed yet, so this is more of an administrative thing. It complies with zoning, just not Chapter 130.

Mr. Landis said we should grant the waiver. Attorney Treadwell said you should recommend it.

MOTION BY: Mr. Kologie moved to recommend approval of a waiver from Section 130-14.K of the Sewer Ordinance

SECOND BY: Mr. Maxfield

ROLL CALL: 7-0

Mr. Landis asked if there were any other issues. Mr. Sherzberger said they don't have any other issues. The only other thing would be that he would like to request a motion for is conditional approval.

Mr. Landis said that was next on their list.

MOTION BY: Mr. Lychak moved to recommend approval of the minor subdivision plan subject to compliance with: the October 16, 2013 Boucher & James, Inc. review letter; and the October 18, 2013 Hanover Engineering Associates, Inc. review letter.

SECOND BY: Mrs. Yerger

ROLL CALL: 7-0

Mr. Garges said before we wrap this one up, there's another housekeeping thing, we have the planning module here and need a motion from the P/C to approve the planning module for the on lot sewer. We have to make a motion and sign the four copies so they can get their planning module through the DEP. Mr. Kologie said should we use the same condition with the well location. Mr. Garges said verify that it complies with the DEP regulations for adjoining property owner well and septic.

MOTION BY: Mr. Kologie moved for approval of the planning module subject to the applicant meeting the required 100' setback from the well of the adjacent property owner.

SECOND BY: Mr. Maxfield

ROLL CALL: 7-0

B. REVIEW OF INFORMAL SKETCH PLAN FOR 1679/1693 BROADHEAD COURT BY LEHIGH VALLEY CARPENTERS UNION

Mr. Landis said the next item on the agenda is an informal sketch plan.

Joe from McTish Kunkel Engineers and Kevin with the Carpenters Union were present. Joe said Kevin came to us as the Carpenters Union is looking to purchase these two single family residences on Broad Court to put an office building like a trading facility. They did some quick feasibility and testing to see what's out there, soil wise, and put together a plan combining the two lots with about 15,000 square foot building which would be the maximum they would be looking for and a number of parking spaces. A suggestion was to just come in informally because of the uniqueness of the lot and your O&L district where everything has to be 50 acres. It's already a non-conforming lot.

They just want to ask some general questions and get some feelings they have. For him to just double-check and ask the Zoning Officer and Jim based on some of the ordinance and what he's reading on some of the requirements for woodlands and slopes, just to make sure he's understanding them correct so he can advise them correctly, especially since they are starting with a lot that's not 50 acres, but 7.

Kevin said right now they have their training center in NE Philadelphia and all the guys from the Lehigh Valley have to go down there and train. They have a very large facility and don't need something like that up here. Their classes at the most would be 12 to 16 people in the classroom. They would like a couple of offices, a reception area, a classroom area and a little shop area. It's basically going to be used for training purposes so our guys after work don't have to drive an hour to get training and upgrades.

Mr. Garges said he met with Kevin early on and looked at kind of how the use would fit in and it basically would be an office type use and they would use some of the area for "classrooms", but he would consider it from a zoning standpoint as an office use which would fit into the office and laboratory that's there. The uniqueness of this and Kevin mentioned it earlier, there's a minimum lot size of 50 acres in the O&L district and these two lots put together are approximately 7 acres. When the zoning ordinance was put into place and he's speculating here, there's a section tailored to this instance in particular and it's 180-89.2 and it's for existing non-conforming lots in the O&L. It says lots that exist at the time of adoption of this chapter which are less than 50 acres, not contiguous to other lots in same ownership, may be used for single family residential use or any permitted service use allowed in 180-85.B of which the office use is one of them. It allows the coverage to be 35% and it changes the minimum front and rear yard to 40' and side yard to 30'. This is in separate ownership the O&L stuff around it is Lehigh University. That's some of the background of what they looked at even before this plan was put together.

Mr. Maxfield asked how many of the existing buildings would remain? Kevin said none, unless they got permission to leave a garage up or something like that. Their idea is to start with a new building. Mr. Maxfield said like the old gravel driveway and things like that would be removed? Kevin said yes.

Mr. Noble said this is one of the few areas we got that remotely resembles something in commercial. You got a calculation that is wrong. You calculated it at 34%. Kevin said yes, it's wrong, he handwrote it down here. He realized the table wasn't correct. Impervious will be about 11% total. The building height won't be 9%. Mr. Noble said what he'd like to see and granted as an owner, you can do anything you want to do, but he'd like to see this thing laid out to possibly maximize the use on this site because we're so starved for commercial use in LST, so if you guys can lay this out so you can possibly bring in other users and expand your concept. He thinks your concept is great. Lehigh University is there, you have a highway next to it. You have some natural barriers that lay out beautifully for a commercial office type. He would only be concerned that you are basically minimizing the potential use of this land. You've minimized the parking requirements in the potential re-use of 15,000 square feet. He can't dictate what you want to do with your land, but he'd love to see you do something so you can expand it and look into the future. He'd also consider if there's a re-use in 10 to 15 years, how we can bring in another office user at that time. He thinks it's a great concept but it's very underwhelming in the scope and he would hope you would look at it as a potentially a much bigger use with the 7 acres. It's a beautiful place for naturally buffered use.

Joe said he's glad to hear Mr. Noble say that from a layout standpoint. A lot of what they show was trying to say this is if you follow the ordinance to a T, 15,000 is the biggest building you could have. The zoning requires 5%, now that's granted on 50 acres, but building coverage maximum says 5%. The section you cited 180.89-2 is 35 maximum coverage but that includes building and impervious. He doesn't want to go back and say if you do buy the properties, expand it and then he comes into zoning and they are saying we don't want to grant relief on that 5%. You take 7 acres

and divide it up with 5%, you are at 15,000 square feet. Those are some of the questions he had because of the lot being so small. Mr. Kologie said that 5% is more appropriate on a 50 acre tract and not a 7 acre not. Kevin said no one here can say, don't worry, Zoning will okay it, he's been working long enough to know that. It's just a feel and you opened the door by saying why don't you try to maximize it.

Mr. Garges said there are three things. One is the natural resources, doing the site capacity calculations, we don't know. He's not picking holes in what you're saying, other ordinance sections they we would have to fit everything into, the site capacity calculations, right now it's on lot sewer, and any storm water management facilities would also take up land. Those are three other parameters that we would have to think about when developing. He's not trying to say don't maximize it. He's saying there may be other sections they have to look at.

Mr. Noble said it would almost be nice to see possibly some zoning relief granted quickly on those issues assuming you can comply with some of the other issues, but he'd love to see it. Mr. Garges said it all depends on the package.

Someone said when you have slopes and then woodlands on top of that, you're at 85% preservation. It's very difficult in a commercial setting. Joe said when you put a buffer, it says the buffer has to be 5 to 1. That's tough with 7 acres, with even the 15,000 square foot building and another 20,000 square feet of pavement, you multiply that five times and that's four acres. There isn't four acres of woods on there now. Nobody can grant anything. No one is asking. It's just a feeling if they would move forward and purchase it, and realize they may have to come in for some zoning relief. What's the thought that anybody rationally say we don't do that stuff or Zoning in the past doesn't do that, I would think about it or you never know. That's the best they can get here tonight. They know that.

Mr. Maxfield said the plan is to merge the two lots. Joe said correct. It would become one lot. Mr. Maxfield said is there anything with the proposed layout right now that will prohibit you from expanding if you wanted to? It looks like you have plenty of room to the east there to expand. Joe said if they wanted to expand, he guesses they could. They show the west side, just because it was higher up on the hill. The 15,000 square foot square, which the architect hasn't laid anything out, it's just my square was because he said stay with a 15,000 square foot building, and talk a little bit. That's the maximum you can get unless you go before Zoning. That's the 5%. Mr. Maxfield said his idea was he liked John's idea, but he knows the stage you're at right now, he'd like to see a design you could add on to in the future if you decide and things went okay. Kevin said they would appreciate that. Mr. Maxfield said the elevation seems less steep to the east. Joe said expansion if they'd love to do it, he's sure they would like to have that availability. Mr. Landis said Lehigh surrounds this on all three sides. There are a few residents, one is for sale.

Joe said O'Brien Court, the way it's funneled in there, so haphazardly because of the highway, do you need the road to go in the front of the lot like that or again, this is way down the line, but if they do it, of maybe ending the road at the property line where you don't have to have your maintenance come in there and plow 400' of road. Mr. Noble said a lot of it will depend on what happens with the access to the east. Right now, looking at your plans, it's showing that there might even be an easement running across the front of both of these properties that continues to the other side of your property. Joe said he's not sure what Mr. Noble is saying. All he showed was the building setback. Mr. Noble said he just wants to make sure you aren't cutting off access to Lehigh's property on the east side. Joe said there is no access there. He showed the building setback line and that's all private lot. It's the second lot owner. Mr. Noble said it doesn't continue? Joe said no. The cul-de-sac, you can tell how it was cut out of Lot 1 which is the Kulp property, and if you go back and research the highway plans, which they haven't done, it was put in there. You pull some of the old deeds, it keeps going down. They were just wondering than having the road there and they wanted to suggest it and say maybe you guys want to end the road at the end of the property. Mr. Maxfield said the Township would have to vacate part of the road.

That might have a good effect on the impervious coverage too. Joe said you'd still have it as the road is only 15' wide. In front of the houses, it's 20' all the way to Mountain Drive from where it bends, so more than likely they might even come in and suggest why don't they continue their driveway 20'. Mr. Noble said it might help you on some of the gross calculations. Joe said no way was he going to say bring in a plan showing that because then sometimes you say you're taking a road away without asking first. That's all he has. You answered a lot of the questions. They understand Council would make a decision on the road vacating, and everybody here thinks that may help out. The road you would need another zoning relief as there would be no frontage. The frontage would be a 40' right-of-way.

Mr. Maxfield said the 35% that Mr. Garges mentioned of the impervious, would that need zoning relief? Mr. Garges said they would really have to look at the specifics. They may be able to interpret it that the 35% is overall and there's no restriction on the building size and it's just 35% total. He hasn't looked at it close enough, but that could be a possibility and it may not even need zoning relief. If that section overrides the other sections, and that's something he and Linc can look at. Mr. Maxfield said that may be an easier route too. Mr. Noble said you can go 50' in the air too, for the building height. Mr. Garges said the ordinance says 50' or 3 stories. Mr. Noble said that might market the building better for you and put you above Route 78. Mr. Kologie said you said training, what do you do there? Kevin said right now, his office in Bethlehem they are doing IRC, Infection Risk Control, it's a new technique on how you deal with construction in a hospital as they realize when they tear the walls down and there's mold in it, there's people with open wounds down the street, so there's a set parameter of rules. It can be anything from blue print reading to metal studded driveway how to proper weight it, anything to do with carpentry. The bulk of their training is maintained down at their large facility. This would be like a sub-training where they do special training.

Joe said he has one last thing. The tabulation he put together, the assumption was made it was on offices and a couple of bathrooms, and the building they put up there, is their training area. If it's 15,000 square foot building, you are going to have 12,000 square foot plus or minus basically oversized garage, so he didn't really include doing a lot of parking there assuming the 16 guys in the classes or the 3 guys in the offices would just be moving there. Is that a correct assumption? If you start sizing out for the whole entire building, you are not really going to expand, you're going to have 100 spaces for 30 people maximum in the building at one time. Mr. Landis said today it's a classroom and tomorrow it's 75 cubic foot cubicles, and they got burned by that already. Mr. Garges said you could sell it as a down the road type thing and they have those situations already and people parking all over the place. Mr. Maxfield said they got burned on an office type situation where one floor was supposed to be only used like storage and then there were human bodies in there. Kevin said 95% of the time there will be two people in there, but they want to have the ability to pull 16 guys. Mr. Noble said you can design for future use. Your current use which is low intensity, but somewhere down the line design a much bigger parking space if the building would ever be used. Then you are showing us you will not have everyone parking down at Broadhead Court. Joe said that's reasonable if you want to show a bigger building and market it for something else. Kevin said when they build something, they stay there. The only itching if the valley continues to grow and his membership which is about 450 active members and if it doubled, they would have more classes. A lot of their stuff is dictated by labor and industry by the state, so they will say for a course, you can only have 12 people in the class, so a lot of stuff is dictated to the small classes. Mr. Garges said with the old school they got some zoning relief, but it went through Planning first and they discussed a future lot and he doesn't know if we had financial security for it or what we did. Mr. Landis spoke, but could not hear him. Kevin said understood. Joe said he doesn't have any other questions.

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – SEPTEMBER 26, 2013

Mr. Landis asked if there were any additions or corrections. No one raised their hand.

MOTION BY: Mr. Maxfield moved for approval of the September 26, 2013 minutes.

SECOND BY: Mr. Kologie

ROLL CALL: 7-0

V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

Mr. Garges said next month's meeting, it will be at normal time, but it will be a joint meeting with Hellertown Planning Commission here at LST. If you think of anything, send him an email.

VI. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment. The time was 7:45 PM

SECOND BY: Mr. Noble

ROLL CALL: 4-0 (Mr. Landis, Mrs. Yerger and Mr. Kennedy – Absent)

Submitted by:

Mr. John Landis, Chair