

I. OPENING

CALL TO ORDER: The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, November 15, 2007, 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Mr. John Landis, Chair, presiding.

ROLL CALL: Present: John Landis, Chair; Frank LaBuda, Secretary; Hazem Hijazi, Tom Maxfield; Craig Kologie; Dan Miller, Engineer; Chris Garges, Zoning Officer; Rick Tralies, Boucher & James and Dave Shafkowitz, Solicitor. Absent – John Noble, John Lychak.

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

III. BUSINESS ITEMS

A. REPYNECK, LOUIS & CATHERINE – REPYNECK MINOR MIN 03-07 – 1615 ROSALIE DRIVE AND 2093 LEITHSVILLE ROAD – TIME LIMIT 02/13/08

Alan Ringer, Lehigh Engineering was present. Nicole Melone, Louis and Catherine Repyneck were present.

Mr. Ringer showed the Planning Commission a plan of the original subdivision that created the lot which started the whole procedure of this. It was originally a three lot subdivision, there is Lot 1, 2, and 3. We are not concerned about Lot 1, just concerned about Lot 2 and 3. Since that time, Ms. Melone would like to build on that lot and it did not meet criteria for zoning of the sand mound. We are 5/100th of an acre short of our needed acreage. They'd like to add on to make a conforming lot. They are trying to add a little bit on the one lot and subdivide it so they can have a conforming lot.

Attorney Shafkowitz said the way he interprets what happened was there was a prior condition to approval that was effectuated by the notes on the plan and deed. The way to eliminate that decision of approval is to ask Council to reverse their decision. The PC can't make that decision. The deed must reference that these lots are created. In most general sense, if it wasn't a condition of approval, the restrictions would be private party disputes. When it becomes a condition of approval, the township has to approve it. They need some kind of resolution to reverse that decision, and need official action by Council.

Mr. Landis said we should go over a few of the major items and have them continue working, but they can't act until you get it fixed. There are small details you can work out with our engineering group.

Mr. Landis said we will go through the Boucher & James letter of November 8, 2007. You will have to come back anyway and just deal with Mr. Tralies. Mr. Tralies said he has nothing major, but if they have any questions, they can discuss. Mr. Ringer said the only thing in the Boucher & James letter is Section 5B, request for a wavier, they have no problem with the new lot, but they feel the existing lot should be waived for street trees since it's already a pre-existing lot.

Mr. Tralies said regarding the ordinance subdivision, both lots are included in the subdivision, so you can ask for a waiver on the lot in the back. That would be fine.

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Mr. Landis said going over the Hanover letter (HEA). Mr. Ringer said No. 2 they can check with the Fire Chief and see if they have any comments. There's one issue that concerns Mr. Landis and it's access. If you go on 412, that's against the ordinance, but if you go the other way, we have a problem with the drainage, so that's an issue.

Dan Miller, Engineer, said correct. Mr. Ringer said 145.44A said residential lots shall have direct access to an arterial access road. When direct access is required, it cannot be avoided to require vehicular turnaround. They already have their HOP from PennDOT. Mr. Miller said they've considered this subdivision as creating a new lot. If this lot is to be considered existing, it's a non comment. If it's a new lot how they interpreted the plan, the ordinance would almost tell you you'd have to subdivide more land and have an access on to the arterial road. The ordinance may prohibit the access on 412, but if they go on the arterial road, they are going to have to have a longer driveway, impact their sanitary system, larger storm water impact, a lot of negatives to it. If Public Works knows of any problems in the area, it's something to look at, but he doesn't know if there are any problems with an access on 412, the ordinance just prohibits it. Mr. Maxfield asked what the closest resident access would be to it? Mr. Garges said Casillio's driveway. Mr. Ringer said they have two acceptable sewer systems on the lot.

Mr. Landis said we have to wait on this main issue, but you can certainly work with the staff. Mr. Ringer said other than the waivers, he has nothing. The first waiver is for the requiring of the street trees on the existing lot. The second one is showing all the features 500 feet beyond the property. There is nothing except existing places that have been there in 30 years. The same thing with the contours, they haven't changed in the last 30 years. Requiring roadway improvements, it's just a lot line adjustment. Requiring the buffer yard in the front yard, they have existing trees along 412 right now that are blocking up the whole front of the property and he doesn't see need for an additional buffer area. They get into the item of the codified ordinance which doesn't hold true to the zoning ordinance as far as a two acre lot minimum. Mr. Garges said the SALDO and zoning says that you can go from three acres to two acres. Mr. Ringer said last one, a comment about the new storm water ordinance is requiring a storm pipe be at the end of a driveway, but it's been there since the 1970's and they are not touching it. Mr. Landis said they won't act on the waivers as there is not a plan. They want to act on the waivers and the plan at the same time. He's just asking if anyone sees any major problems.

Mr. Garges said the original three lots you looked at, two of the lots were deemed as not to be building lots, two in the same situation as one being one of them. In 1989, there was a minor subdivision approved by the township and recorded called Mamay Acres and they did the same thing you are proposing to do to this lot. It's been through the township before for the other one and that's how they resolved it back then.

Mr. Maxfield said step one is the dealing with the deed restrictions. Deed 2 is going to be lot line to lot line, is that a Council decision? Mr. Miller said if that restriction goes away, this is considered a type B minor subdivision and never coming back to you and bypasses the Planning Commission.

Mr. Miller said a lot of the waivers are nothing the PC should be concerned. The Public Works Director should look at the storm water pipe. Having open holes next to the road is a hazard. As far as the setback with the trees, then that probably addresses the concern. Mr. Ringer said the reason they are considering the house so close, they want to minimize the storm water impact, it gives them a larger back yard and the grandparents are right there and the children don't have to cross a highway to get to the grandparents.

Mr. Maxfield said who will make the determination of lot line or minor? Mr. Miller said if they go to council and they wipe it away, it becomes a type b minor subdivision, so they have two options. They can go through the standard planning process like coming here to you tonight, treating this as

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a subdivision of a new lot which is how their office reviewed the plans or they go to Council and in essence, if they go to Council and get the waiver, then they can do a type b minor or exchange a lot line and come in with a grading plan. Mr. Shafkowitz said even though they went through the process in the 80's it's not the proper way to handle it. Mr. Garges said Linc did look into it and that's why they are here. Mr. Landis said Council can decide how this will go.

Mrs. Repyneck said they purchased the lots so their children would have a place to build on. Then it didn't perk, and they just decided to let it go at that time and thought maybe the Tagaline's would want to buy it. Mr. Maxfield said you should get a letter from them if they have no interest in them. Mr. Shafkowitz said you should have never agreed to the conditions. If you made an attempt to contact them, and said you got no answers from them, it would be some reason to support your rationale for eliminating the condition. Your title was set up that way, and it should be cleared of that issue and the best way to do it is to pursue that process and part of that process is some recognition from the Tagaline's that they don't want to exercise that right. Mrs. Repyneck said suppose the Tagaline's don't want a house over there. Mr. Shafkowitz said you ask them if they want the lot and they say no, then that should be sufficient. It's not that they can stop it. Mrs. Repyneck said they were only allowed to have or buy that property if it did not pass the perk. Now they did the perk. Mr. Ringer showed Mr. Shafkowitz the note. Mr. Garges said what if the Tagaline's weren't even there and there were three owners from when the Tagaline's were there. Mr. Maxfield said you just need a statement of non-interest.

Mr. Ringer said they already conducted their storm water testing and it passed with flying colors. Whatever happens with this lot, they will be capturing all the storm water and not increasing any extra storm water. Mr. Shafkowitz said if the condition is eliminated, they have a validly non conforming lot, they don't have to add acreage to make it conforming. They may get the variance. Mr. Maxfield said if that was before Council and Council wanted to lift the deed restriction and then Tagaline came and said he didn't want it lifted, then what? Mr. Shafkowitz said it's not about that, he has to exercise his right to purchase. In the note, it says either it can be offered to them to buy it or it stays as part of lot 2. If it stays part of lot 2, does that mean it's not a lot...that was the most ridiculous thing ever written. It should say we'd like it to be a building lot, we did offer it to the Tagaline's, they said no, so we want it to stand on its own as a building lot, so Council would have to make that decision. Mr. Miller said in the 1979 review letter, it said the minimum lot size was 40,000 square feet, a little less than one acre then. It didn't meet the lot width back then.

The Repyneck's will call Chris on Monday to see what they need to get on to the Council agenda.

MOTION BY: Mr. Maxfield moved to table.
SECOND BY: Mr. Hijazi
Mr. Landis asked if anyone had any other comments or questions? No one raised their hand.
ROLL CALL: All in Favor: Yes
Opposed: None

B. MORTAGUA, MELISSA – MORTAGUA SITE PLAN SP 01-07 – 3505 ROUTE 378 – TIME LIMIT – 12/13/08

Mr. Garges said this is off the agenda. A little bit of history on the property, his involvement stated over two years ago as it was said it was purchased as a residential property and was converted into commercial property. Through two years of going back and forth, conversion from use, you need site plan approval. They did a site plan and then we found out they were planning to knock the house down and put a new building in and change the use. It's in GB zoning, a business district, and if he just did a business to run out of what is there now, he probably could have did that. There wasn't enough detail on the plan to deem it as a land development.

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MOTION BY: Maxfield moved to table.
SECOND BY: Mr. Hijazi
Mr. Landis asked if anyone had any other comments or questions? No one raised their hand.
ROLL CALL: All in Favor: Yes
Opposed: None

**C. WOODRING, RICHARD – HILLS OF POLK VALLEY MINOR SUBDIVISION MIN 02-07
– POLK VALLEY ROAD – TIME LIMIT 01/09/08**

Present was Paul Hartley from Mease Engineering, Joshua Hutt, designer, and owner Richard Woodring.

Mr. Hartley said Scott Mease is away, and hopefully they can address comments and questions. They have two letters from the engineers.

Mr. Garges said this was back in the 90's and approved as a 10 lot subdivision. It's not all the land was seen now, Mr. Woodring has purchased some additional land. It was never recorded.

Mr. Woodring said what we had originally, before he had thyroid cancer, there were nine two acres lots and one three acre lot. They had a T cul-de-sac in there, that's why it was the Hills of Polk Valley. The piece of land he did not own, and only had an agreement of sale on it, but since bought it, the zoning changed while he was getting reorganized. They have 20 approved perked sites on there, two of the 20 were sand mounds, 18 were standard systems. He showed where they put the road in. They went over the plan with the Planning Commission. Mr. Landis said three of the lots have access on Polk Valley Road.

Mr. Hartley said most of the letter, they will comply. Mr. Tralies said they have been in contact with their office, and unless they have any questions, he's okay with it.

Mr. Maxfield said no. 6 about the disturbance, we are probably talking about driveway length. Mr. Maxfield said you are in a watershed area. They look for as little disturbance. The lot to the farthest of the right he doesn't understand. The driveway, it's close to 600 feet long, almost as long as a cul-de-sac plus it's in the watershed area.

Mr. Garges said they could come in with a grading plan and as long as they comply with the resource protection standards, they can basically come within that. Mr. Maxfield said he's asking for cooperation. It just doesn't seem necessary. Mr. Miller said it's designed to hold the entirety of the two year storm, but it's designed to hold up to the 100 year storm. You are required to meet the rate and the volume for every storm and your analysis shows you doing that. There are some minor technical tweaks regarding the storm water. Mr. Hijazi said can't the infiltration basin be moved east to capture more? Mr. Hartley said it has to be there to capture the runoff of the house. Mr. Maxfield said he sees a situation that's being adjusted and compromised because of the site was chosen. If the site was chosen further down, with less disturbance you wouldn't have those problems. It's not a healthy thing for the water shed.

Mr. Hartley said this is one possible location of the house. Mr. Maxfield said he's encouraging the house closer to the road for less disturbance in the watershed. Mr. Woodring said Lot 1 and 2 are 7-1/2 acres and Lot 3 is over 10 acres. At this point, with current zoning, they can't even get more than three lots so the amount of disturbance is negligible on that site compared if the environmental protection wasn't there. Mr. Maxfield said why not make it as good as you can. The ideal situation is the houses closer to the road. He'd hate to see it even back further, so he'd like cooperation. Mr. Tralies said he didn't push the issue as last time they gave the same answer. Everything you said was true, and it's right by the watershed. Mr. Hartley said this holds the

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runoff from the house and the driveway. There's less runoff from this site now when it's built out, than there is today. So much of it is being captured.

Mr. Maxfield said the bottom of this infiltration obviously is not impervious, it's pervious. You've got an excessively long driveway which will go with all the seasons, salting, your catching all of that in the basin and it's staying in there and all pollutants are coming out of there. Since it's not filtered out or released and it's being concentrated, you have a concentrated mini pollution site going on. If the house would be moved down further on the site, there would be less of a problem and impact. He would like to see that, but will it be an okay situation, it'll probably never be okay. It would be a better situation if it was down closer.

Mr. Shafkowitz said if we want to do that, we have to go the next step and ask them to limit their building envelope, it has to be in two parts. From the storm water being appeased, the infiltration basin will act like a septic system. Mr. Miller said the worst thing that could happen would be you have them move it forward, don't put a restriction on the property, then they have a undersized storm water management thing that the extra impact of the driveway triggers the grading ordinance to regulate it any further. He's not advocating the building envelope changing, he's just saying if that is really what you want to pursue, you need to make it's sure it's clearly stated in the plan as it will make things worse.

Mr. Maxfield is concerned about the water going to the watershed.

Mr. Hartley said item 2, water and sewer, the idea there is the lot owners would have to get permitting from the health department and the discretion would be left with Council. Is that an item? Would they be concerned about that? Mr. Landis said that's just standard. Mr. Hartley said 3A they asked a waiver from, an additional 20 foot yard with planting screen and buffer. Half the site is currently wooded, but they are asking for a waiver due to the existing vegetation. There's some buffering there the way the slope is. The house would be up so high that no amount of berm is going to shield those houses from the road. They are looking for some feedback.

Mr. Hartley said B is an item they've asked for a waiver. There are so many trees out there. Having to identify each tree over 8" is a lot. Mr. Shafkowitz said you have to be sure where these houses are or where they are going to end up and stick with that and have some limitations with limits of tree clearing.

Mr. Hartley said everything else on the letter are items that can be complied with. On item 5, the site plan, the following items should be in order to receive site plan approval. The first one shows driveways on adjacent lots and structures on adjacent lots which are less than 100 feet from the property line. They showed the PC the site plan and explained.

Mr. Hartley said moving on to the November 8, 2007 HEA letter, one of the big items is the waiver of frontage improvements and the piping under the road and the swale. Item 4, existing features within 500 feet, the plan does show features around the site within 100 feet, beyond that, there are really no other features. The north and west is wooded. Item 6 deals with frontage improvements and the applicant shall discuss what is appropriate. They want a waiver from widening. Mr. Landis said we don't need to make the road wider there. Mr. Hartley said item 16, that's the berm and planting screen we already talked about. They are comfortable with the fee in lieu of dedicating the 6,000 square feet of recreation land. Item 13 under storm water management, there's a swale along the road and the waiver is that it is from reconstructing that swale which would push it out and into the wooded area. Mr. Landis said no problem with that. If we do an analysis of the flow along that, what are we talking about? Mr. Miller said the ideal situation would be to have Public Works look at it. Mr. Hartley said 14 deals with the storm sewer piping. There are two existing pipes that cross Polk Valley road and they are asking for a waiver from the

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requirement to extend those all the way out to the right-of-way which would require the swales to also be graded. With the idea that the drainage would not be increasing, we already talked about the road not being widened, so that goes hand in hand. Mr. Garges said let Roger Rasich look at it. Mr. Landis said we are giving up something by not widening the road. Mr. Hartley said those were the items we were looking for your feedback on.

Mr. Landis said what about 3A. Mr. Miller said that is saying, as a formality, if you require improvements, it's not a minor subdivision. One of the improvements you are willing to waive is widening the road. The swales we are looking into. If that would be required it would technically be a preliminary plan and we'd have to do the final plan process unless you gave a waiver of that which you can do. Mr. Landis said we need to resolve the storm water issue and the location of the house. Mr. Miller said the technical issues can be resolved and we have no problem with the concept.

Mr. Woodring said the reason that house is placed there, is it's a flat spot and a perfect spot to put a house. If you want the house further down there, he'll put it there, but he's going to kill the lot. On the original plan, when they had the ten lots, they had a two acre catch basin which was nothing more than an eye sore. This is a much nicer layout. Mr. Landis said if you did move the houses closer, what does it look like with the design to the basins and you'd have to make it wider. Maybe we ought to enclose the building envelope so they can't get further back. We don't want to see this go through and then somebody comes and has a 1500 foot driveway. Mr. Hartley said they are open to that, that the building envelope can't go back any further. Mr. Garges said if you moved it down further to a steep area, you'd have more disturbances. Mr. Maxfield said if they would be willing to do that, he'd be okay with that. Mr. Hartley said they are looking down to the roadside condition. Would you be willing if whatever the road master said, you'd be willing to move it on to the supervisors, with that condition that the road masters concerns be addressed. Mr. Landis said he'd rather see what those concerns are first. Mr. Miller said as far as the administrative end, do they have to come before you and talk about the trees. If they got the Public Works opinion on this, could they come back to you without a need to submit a new plan? If they come back and say the plan is okay, why would they have to come back and make a new plan. Mr. Miller said they'll write a review letter with one or two things that are changed. Mr. Maxfield said okay, if there is no existing problem there. Mr. Hartley said they will put what they need on the final plan for submission.

Mr. Landis said there are a lot of waivers. Mr. Miller said the only ones they are concerned about is open pipes along the frontage and capacity along the frontage. They defer to Public Works on both of them. Mr. Tralies said the waivers are the ones they noted are 3A, which they discussed, and they are fine with that and the counting and labeling of every tree, they are fine with that waiver. They had shown existing tree lines and they had measured what they'd be removing as what's on the site per the zoning ordinance and they've met their percentages.

Mr. Landis would like to see the whole plan again and do it in one shot.

MOTION BY: Mr. Hijazi moved to table.

SECOND BY: Mr. Kologie

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

ROLL CALL: All in Favor: Yes

Opposed: None

D. HEISS, STEVE – ESTATE OF STONEHURST MAJOR SUBDIVISION PRELIMINARY PLAN MAJ 05-06 – 1905 WALDHEIM ROAD – TIME LIMIT 12/13/07

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Mr. Garges said this was taken off. Mr. Miller said they want to work with us on some of the issues, but they need some feedback. One thing they have done is proposed curb on a wide road. Curb on a wide road is not a problem. Curb on a narrow road is a problem, and you want a narrow road. What does the Planning Commission want us to tell them on regards to curb? The Planning Commission said no curbs, narrow roads. Mr. Landis said it's the character of having the wide road. We discussed this with them before. Do we care if they go with a wide road with standard curbs? It's not with the rural character. Mr. Miller said they are big lots, and they want to have wide roads. Mr. Garges said he thinks they are trying to mimic Saddle Ridge. Mr. Maxfield said this was discussed with them before and they agreed to it. Mr. Landis said we'd like to see the narrower roads and leave it at that. If they want to come back and talk to us, it's going to be wide roads with curbs, but we are not in favor of that. They may be thinking of Belgium block, but they did come back with regular block.

MOTION BY: Mr. Maxfield moved to table.
SECOND BY: Mr. Hijazi
Mr. Landis asked if anyone had any other comments or questions? No one raised their hand.
ROLL CALL: All in Favor: Yes
Opposed: None

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – SEPTEMBER 20, 2007

MOTION BY: Mr. Kologie moved for approval of September 30, 2007.
SECOND BY: Mr. Maxfield
Mr. Landis asked if anyone had any other comments or questions? No one raised their hand.
ROLL CALL: All in Favor: Yes
Opposed: None
Abstained: Mr. LaBuda, he wasn't at this meeting.

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

Mr. Landis said Tom Maxfield and himself went to a meeting with Saucon Valley School District, Hellertown Borough and Lower Saucon, and they have retained a firm to look at comprehensive planning for the whole area. You'll start to see some of that as it will come in front of the Planning Commission. It's trying to use some regional planning. There should probably be a joint meeting. Last night there was a work session. Mr. Maxfield said they came up with a municipal services boundary and it becomes part of your services plan and its sets a boundary that no services go outside that boundary pertaining to water and sewage. Mr. Landis said there were questions about the boundaries. They are looking at it, so those are minor issues. Mr. LaBuda said if you are going to get people from each district involved, somehow you are going to have to incorporate that. Mr. Garges said the major benefit of the COG is that the transfer of high density units to Hellertown and the transfer of some of the landfill and the uses of Hellertown Borough, so we can spread things out over the entire region. Mr. LaBuda said he doesn't think Hellertown is a good neighbor, they are only 4 square miles and they want to take us in, and we should be taking them in. If the township agrees to something and the LVPC doesn't agree, are they binding or are they a recommending type of an agency? Mr. Shafkowitz said they are a recommending body.

Mr. Garges said we have a planning module for Repyneck approved by the SEO, do you want to approve that tonight and sign it. It's basically that they have all of their testing done. If it's a timing issue, we should do it.

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VII. ADJOURNMENT

MOTION BY: Mr. LaBuda moved for adjournment. The time was 8:55 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: All in Favor: Yes
Opposed: None

Mr. Garges said you never approved the planning module for Repyneck.

MOTION BY: Mr. LaBuda opened the meeting again.
SECOND BY: Mr. Maxfield
Mr. Landis asked if anyone had any other comments or questions? No one raised their hand.
ROLL CALL: All in Favor: Yes
Opposed: None

MOTION BY: Mr. Hijazi approved the planning module for the Repyneck property to approve it and sign it.
SECOND BY: Mr. Maxfield
Mr. Landis asked if anyone had any other comments or questions? No one raised their hand.
ROLL CALL: All in Favor: Yes
Opposed: None

MOTION BY: Mr. LaBuda moved for a second adjournment. The time was 8:56 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: All in Favor: Yes
Opposed: None

Submitted by:

Mr. John Landis
Chair