I. OPENING

CALL TO ORDER: The Planning Commission of Lower Saucon Township was called to order on Thursday, November 20, 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; and Sandra Yerger, members; Karen Mallo, Boucher & James; Dan Miller, Hanover Engineering; Chris Garges, Zoning Officer; Linc Treadwell, Solicitor. Jr. Council Member: Mikayla Deiter. Absent: Scott Kennedy, Craig Kologie, and John Noble.

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS – None

III. BUSINESS ITEMS

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

Mr. Andy Woods was present from Art Swallow & Associates. He brought a waiver and had responses to review letters. They did additional testing for Lots 1, 2 and 3. They need to go to above ground detention and need some relief for the lots. Mr. Miller said they agree with the designer that they should not propose infiltration in the places they previously been proposing as those areas are very shallow. There's nearby sinkholes plus many reasons not to probe in there. The question before the board is if they really want to allow them to do detention which makes sense for the locations they are currently proposing or to go by the significantly more stringent standard of doing infiltration even if that means throwing out the location of the plots. They are correct; they should not propose infiltration on the lots. Mr. Landis said is that feasible on those lots? Mr. Miller said detention is almost always feasible. Mr. Landis said he meant size-wise? Mr. Miller said they are doing the northwestern three lots. The northwestern most lot, they are expanding that lot further NW and putting a detention basin there to catch those three lots. Lot 1 will get bigger. Mr. Landis and Mr. Maxfield had no problem with the detention basin.

Mr. Wood said today PennDOT granted their permits for the proposed lots. LVPC has already reviewed their basin and stormwater and they are giving an approval letter. Mr. Landis asked if there was anything on the Boucher & James letter they wouldn't comply with? Mr. Wood said Lot 5 they'd just like to keep the lot. They aren't proposing any impervious. Lot 5 is the existing farmstead and they will sell that as a whole.

Ms. Mallo said they aren't asking that you show impervious; they are asking that if the future homeowner would ever want to put a patio, a pool, etc., that they can use impervious. That impervious has to be assigned at this point during the subdivision. If you sell it to them with the restraint that they have no future improvements, then they can't do anything.

Mr. Woods said there's a barn that has existing impervious that they may not use. There's plenty of impervious on that site. There's a pretty good sidewalk in front of the house and around the house. That's where the pool could go. At this point, they prefer to not show anymore.

Ms. Mallo said they are not asking you to show it, they are asking you to assign a number to it. Mr. Miller said perhaps you are thinking of impervious from the standpoint of the stormwater designs. Ms. Mallo is referring to when you do your site capacity calculations, you need allocation for impervious for all the lots together. Just make a note on the plan that says you have stormwater impervious and your zoning impervious and ideally the two are the same, but that requires a significant over design. Mr. Wood said understood.

Mr. Maxfield said is Helms Road in good enough shape to serve as a driveway without any improvements? Mr. Wood said yes it is.

Mr. Wood said it was discussed at the prior P/C meeting that one of the issues was their requirement of buffer between residential and agricultural. Mr. Swallow promised to get this note to you and they have shown where those buffers will go on the plan and they've done that. Mrs. Petrie has horses out there and she's going to want to know where those locations are. She'll put some kind of physical corner on there. They'd like to ask for a waiver from the planning buffer. Attorney Treadwell said it's a zoning requirement and that would require a variance from the ZHB which he doesn't think you probably want to do. Isn't there a way to show on the plan what the future plantings will be? It's just some planting to delineate the boundary.

Ms. Mallo said the P/C has the ability to modify the planting screens so they can use fences, berms, other tools, but they can't negate it. Mr. Maxfield asked if they could use anything existing like a tree row. Ms. Mallo said unfortunately there is no existing tree line.

Mr. Petrie said he just planted the upper and lower fields in orchard grass and asked if that was enough of a buffer to cut and let the orchard grass grow up along as they intend to harvest that for horse hay. That's your delineation from the farm fields and the three lots. Mr. Maxfield said it doesn't really meet the spirit of the ordinance. Ms. Mallo said it's going to have to be a little bit thicker than a grass. The grass isn't permanent. Mr. Maxfield said the purpose of the ordinance is protection between the uses, and supposed to function as a screen. There was further discussion about the type of buffer.

Mr. Landis asked if there was anything on the Hanover letter that they wouldn't comply with? Mr. Wood said most of the things they have been working with Hanover on. Mr. Landis said Lot 7 is almost like a little flag lot. Today it might not be a problem, but in 25 years it could be a flag lot and someone would want to subdivide it. Mr. Wood said based on site capacity, the lower part of lot 7 you most likely won't be able to build on anyway. Mr. Landis said it's such an irregular lot.

Mr. Wood said what the P/C is suggesting is to have Lot 7 join with the Petrie's existing lot. Ms. Mallo said if you were to do that, the site capacity calculations would need to be calculated for the entire site as you are now subdividing two lots. Mr. Wood said you are sending them back to square one. Mr. Maxfield said we are removing lines, not adding lines.

Attorney Treadwell asked how we can get to the point where we have a plan that the P/C is comfortable with without having the Petrie's starting over. Mr. Miller said would it be possible to simply note that the calculations were done on the other lot and that the calculations based on the one lot and no study was done on the other lot and that if any future development happens on that lot, they could rely on what they did for the front lot, but they'd have to relook at the back lot then. There was further discussion on the easement language covenant that will remain with the land.

Mr. Miller asked what the intended conditions would be for the waiver? Attorney Treadwell said it's as simple as saying there's a note on the plan that will identify the area that is proposed to be put into the conservation easement. That way the irregular lot shape can remain and the Petrie's don't have to start over and we can move forward. Mrs. Yerger said it can't ever become a flag lot. Mr. Maxfield said the covenant stops it from the problems we associate with flag lots. So just leave it as is.

Mr. Maxfield said since you are not doing infiltration, we need to clean up what's going on there and get the conditions. Mr. Miller said their concerns are they don't believe this plan can be approved tonight with the amount of things that have to be addressed, but it's really important that we give them the feedback they need so they can design accordingly.

Mr. Garges said this may be something we need to talk to the County about as we have one or two of these situations right now where there were access easements granted across people's property and they are coming back now and saying they want to sell the property now and technically it should be another lot as there's an access easement across. Attorney Treadwell said he doesn't think the access easement creates a subdivision. If somebody tried to sell it, he would have a problem with that as it hasn't been subdivided. It just has an access easement.

Mr. Landis said why are we requesting a 60' easement? Mr. Wood said if he remembers correctly, it was the P/C's engineer who brought it up that they wanted it wider if down the road the land was developed. Mr. Maxfield said we couldn't even conserve the back part of the property without the easement. Mr. Wood said they used 60' as your standard local road. Mr. Miller said it's good planning sense to make you think about what access you want while you still own all the land. Those sorts of recommendations do make sense. It sounds like everyone is okay with an access easement with the width that's shown right now from 18' to 60'. The only concern they would have are the provisions of that easement. We should probably be aware what the easement should say. Attorney Treadwell said he's assuming Mr. Backenstoe is going to draft that easement or at least have a copy of it so he can show it to Attorney Tradwell and they can work it out. All P/C members were okay with this.

Mr. Maxfield said what's peaking the P/C a bit is it's almost like you created some of these issues like the flag lot by not merging the properties together. If you had your original property and bought your second, merge those two together theoretically and cut your lots out of them, then you'd have one big lot you own and you wouldn't have the access or flag lot problem. Mr. Petrie said their attorney said they shouldn't merge the two because the back lot where they currently live is in the Act 319 and the front property is not. Mr. Maxfield said from a planning perspective, there are issues that could be cleaned up and our goal as Planners would be to clean it up, but you have your reasons why you are doing what you are doing. We're struggling with those reasons.

Mr. Wood said as far as the detention basin, they are going to end up leaving the lot line where it is for Lot 1 and moving the detention basin to Lot 7. Mr. Miller said that's not going to be something the Township will be in support of. There was further discussion regarding the detention basin and the maintenance associated with that.

Mr. Miller said the stormwater ordinance says it requires the infiltration of all rooftops. They seek to not infiltrate, but would infiltrate when the lots are acquired. They talked about the access to the Petrie's. Helm's Road continues to exist and extend back onto Lot 7. They've shown to our satisfaction that PennDOT has access to the side of Route 78. With regard to Lot 7, is it your intention to never access it across Lot 5 to access Lot 7? That should probably be put on the plans that you are not going to have that access. Since they are not doing anything over there, they've not suggested that they need to clean that up, but is that okay with the P/C acknowledging there is an existing easement across the property? Mr. Maxfield said as is.

Mr. Miller asked about future improvements on Redington Road. Mr. Maxfield said waiver, we talked about that before. Mr. Miller said that's all they are seeking the P/C's guidance on.

MOTION BY: Mr. Maxfield moved to table this agenda item.
SECOND BY: Mr. Lychak
ROLL CALL: 4-0 (Absent – Mr. Kennedy, Mr. Kologie, Mr. Noble)

B. <u>BRUCE & GINGER PETRIE – AT THE HELM COMPONENT 1 SEWAGE FACILITIES PLANNING MODULE</u>

Mr. Wood said nothing has changed.

MOTION BY: Mr. Maxfield moved for approval of the planning module.
SECOND BY: Mr. Lychak
ROLL CALL: 4-0 (Absent – Mr. Kennedy, Mr. Kologie, Mr. Noble)

Mr. Petrie said since they were talking about Lot 7, the fact that it's not going to be buildable, do they have to pay a recreation fee for that? Mr. Miller said the ordinance states that any additional lot you create, a recreation fee is applicable. Mr. Maxfield said the lot that's being created will not be used by any family so no recreation is needed.

C. BOCHASANWASI SHRI AKSHAR PURUSHOTTAM SWAMINARAYAN SANSTHA (BAPS) – WOODLAND HILLS HINDU (BAPS) PLACE OF WORSHIP SITE PLAN #SP 02-14 – 4166 LOWER SAUCON ROAD – EXP. 02/18/14

Mr. Landis said this is the worship site for a conditional use recommendation. Mr. Steve Mills, on behalf of the applicant, was present. Attorney Treadwell said since this is the first time the P/C has seen this, does someone want to explain what they are doing.

Mr. Kevin Horvath with Keystone Consulting Engineers said he was involved with the preparation of the site plan. The project is a change of use or a conditional use application as well as a site plan for a change in use. It's a 13-acre +/- tract of land adjacent to what was known as the Woodland Hills Country Club. The parcel in question encompasses the clubhouse and the parking facilities, driveway, etc. This was recently subdivided from the golf course. The proposed use would be a Hindu Temple or place of worship as far as the zoning ordinance is concenred. It's permitted in the rural zoning district by conditional use. He further explained the usage associated with the place of worship. Mr. Landis asked what the size of the congregation was. Mr. Akshar said right now they have around 150 people on Sunday's; and on holidays, maybe 300 to 400 people.

Mr. Landis asked if there was anything on the Boucher & James letter? Ms. Mallo said there are some changes that need to be made on the plan. The biggest thing is the outstanding provision of site capacity calculations, but outside of that, the concerns were just those and impervious surface related to that. When Woodland Hills was subdivided, they did preliminary calculations and came up with surface calculations for each one of the lots that was subdivided. There have been some other things shown on the plans that will affect how the site capacity calculations will be done for this site, primarily a 60' UGI gas line easement that was not shown on the plans. They may be entitled to some additional impervious surface, so they want to make sure that the impervious surface is actually shown correctly.

Mr. Landis said there is a note that the driveways have to be changed. Mr. Maxfield said those road stubs that head off to the golf course, are they going to be abandoned? Ms. Mallo said they are assuming they are going to be abandoned. They are currently impervious so they have to be counted towards their impervious surface. Mr. Horvath said the designated access from the two outbuildings is from the Temple property. The plan indicates those driveways will be abandoned. There is the caveat in the agreement where Mr. Patullo indicates those driveways will no longer be accessible from the BAPS site. They asked Mr. Patullo to write a letter saying he acknowledges the two garages are not going to be able to be accessed off the existing driveway. Mr. Horvath said regarding the site capacity calculations, he's not sure what will happen if they take into account that easement. He doesn't want this to create problems. Ms. Mallo said you will never go below 4.14. You were given that acreage. This is only to allow you to possibly have more. Mr. Horvath said they are good with that. They can comply with the Boucher and James letter. Attorney Treadwell asked if they could get the changes done before December 17th so it can go on Council agenda. Mr. Horvath said he can certainly get a cleaner plan within the next week. Attorney Treadwell said if it goes to Council with a whole bunch of outstanding issues, there's a possibility Council says they aren't going to approve it because of outstanding issues. Mr. Landis said if they clean it up, would there be any outstanding issues for the P/C? Ms. Mallo said her concern is there are some modifications required and those need to be listed. If they are not providing certain

information, do they then need modifications by the P/C or can they go in accordance with the letter? Attorney Treadwell said in accordance with the letter is fine.

MOTION BY: Mr. Maxfield moved for approval of conditional use and the site plan with the conditions as stated on the letters.
SECOND BY: Mr. Lychak
ROLL CALL: 4-0 (Absent – Mr. Kennedy, Mr. Kologie, Mr. Noble)

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – SEPTEMBER 25, 2014

MOTION BY: Mr. Lychak moved for approval of the September 25, 2014 minutes.
SECOND BY: Mrs. Yerger
ROLL CALL: 4-0 (Absent – Mr. Kennedy, Mr. Kologie, Mr. Noble)

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

VI. ADJOURNMENT

MOTION BY: Mr. Lychak moved for adjournment. The time was 8:24 PM.
SECOND BY: Mr. Maxfield
ROLL CALL: 4-0 (Absent – Mr. Kennedy, Mr. Kologie, Mr. Noble)

Submitted by:

_____
Mr. John Landis, Chair