

**I. OPENING**

**CALL TO ORDER:** The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, December 16, 2010 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 Noble, members; Dan Miller, Engineer from Hanover Engineering; Chris Garges, Zoning Officer; Kevin Kochanski, Planner from Boucher & James; and Linc Treadwell, Solicitor. Absent: Haz Hijazi, Craig Kologie and John Lychak.

Mr. Landis said we have a new member, Scott Kennedy. He asked Mr. Kennedy to please briefly tell the Planning Commission about himself.

Mr. Kennedy said he's a Chemical Engineer from New Jersey. He currently works for the Central Bucks School District as the Director of Operations. He's responsible for construction, land development in front of Planning Commission's. He's handled the school construction for the Bucks School District.

**PLEDGE OF ALLEGIANCE**

**II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS**

None

**III. BUSINESS ITEMS**

**A. EDWARD & DOLORES HILL – SCENIC VIEW APARTMENTS LAND DEVELOPMENT  
#LD 01-10 – 2021 SCENIC VIEW LANE (TIME LIMIT – 03/15/11)**

Attorney Joe Piperato was present. He is representing Mr. & Mrs. Hill on the Scenic View project. David Martin, Project Engineer is present from Keystone Engineering. Attorney Piperato said tonight they are prepared to review some of the issues that are on the review letters. Mr. Landis said if it's something you are going to comply with, we don't have to discuss it other than you will comply with it. You are here for the things you have issues with and we as a Planning Board, can help you with. If there's some detail with an engineering problem, they'd like you to deal directly with the Township's engineer.

Attorney Piperato said this is a project where the Hill's wanted to build one additional building that contain four units at a pre-existing non-conforming site where there's apartments currently located. There are a number of months ago they were before the Planning Commission and had gone over the review letter at that time. There's now a new review letter and David has done some revisions to the plan. He'd like David to go through some of the revisions.

Mr. Martin said he wants to go over the Boucher & James letter first. Comment 2.a, they are requesting a waiver on. It's noted in the wavier letter revised 11-10-2010. Attorney Piperato said there are going to be a number of waivers, so maybe after we go through the four or five items we have, we'd ask to go over the waivers. Mr. Martin said that's pretty much it for the Boucher & James letter. Mr. Kochanski said there were a couple of cleanup items they noted in their letter. He's assuming those are "will comply" and are relatively minor in nature. The one plant they proposed was an invasive in Pennsylvania so they are asking for a native plant and then some details on the wall. The applicant is also requesting a fee in lieu of dedication of open space, so they recommended that the applicant discuss that with the Township. Attorney Piperato said in conclusion, other than item 2.a. which is the waiver request, everything else they will be in compliance with.

Mr. Kochanski said the specific waivers regarding a number of trees per square footage of impervious coverage being proposed. He believes when you do the calculations, there are about eight trees. Mr. Martin said if you do the calculation, it comes out to more like fifteen. For what they are proposing, yes, about eight trees. He believes he can explain his rationale for the waiver. The subject property within the vicinity of the proposed improvements is already heavily wooded. They have approximately eight trees right now over 8" in caliper in the vicinity of the proposed improvements. There are eleven existing deciduous trees within they are proposing to conserve within the vicinity of the proposed improvements, eight of which are in 8" of caliper already. He's looking at it as under the vegetative canopy, there is existing areas if they plant additional trees, five to ten years from now, more than likely, he's going to start losing lawn from the lack of sunlight and things like that. He would prefer to keep it as is if that would be acceptable.

Mr. Maxfield said what they've done in the past is recommended where additional trees didn't make a whole lot of sense on a site, they've recommended fees or monies in lieu of the tree, as we have a tree fund which we call the Conectiv tree fund. We can deposit monies into this fund. That would probably make the waiver go away. Mr. Kochanski said technically, they would have the waiver, but it would be a fee in lieu of. Attorney Piperato said is that taken up by Council? Mr. Maxfield said it would have to go to Council, but we can make a recommendation on it.

Mr. Landis said we'll go over the Hanover letter. Mr. Martin said C.1., under Stormwater Management (Chapter 137). Attorney Piperato said there are two sheds in some gravel areas servicing around those sheds, one of which is located in Lower Saucon Township and one located in Springfield Township. Mr. Martin showed the Planning Commission where they were located. Attorney Piperato said in Mr. Miller's letter, you are just raising the issue of when they were installed and depending on when they were installed, what the calculations would be for the impervious coverage we have there. Mr. Miller said correct. There's a minimum threshold of 7,500 square feet of impervious for the full blown stormwater analysis and as it is right now, they have less than 7,500 proposed; however, if this occurred after the date of the ordinance in 1998, then what they are proposing now would push it over the 7,500. Attorney Piperato said Mr. Hill is looking into the precise date on which the sheds were installed. They don't have that information this evening, but he would indicate if they were installed after 1998, they will be in compliance, either by removal of those items or submit a plan to Hanover for some remediation where impervious coverage would be removed from other locations that would not be in violation of any ordinance, but they will be in compliance with the 7,500 square foot maximum requirement, if that's the case, either by removal of the shed or some gravel area that services the shed. They would absolutely be in compliance with that and demonstrate that to your engineering staff.

Mr. Martin said comment C.2., a waiver has been requested to utilize the existing drainage easements rather than one per the specifications of the above noted sections. Mr. Noble said is there enough detail? Mr. Miller said essentially, there's a 20' drainage easement existing. This section would request a significantly larger drainage area and it would require analysis to provide it. There's no functional benefit to having that easement. He's asking to avoid the calculations and to avoid the additional encumbrance and use the existing easements. There is no impact. The easement is over an area that is not being disturbed.

Mr. Martin said comment D.2. under Subdivision and Land Development (Chapter 145), he's requested a waiver to allow the plan to be submitted as a preliminary final in lieu of a preliminary and a final because of the small nature of the project. Mr. Miller said that's consistent with what has been accepted before.

Mr. Martin said comment D.3., he requested a waiver to allow the use of sheet size, 30"x42" which is not allowed by the ordinance. Mr. Miller said it's a somewhat standard size. He'd rather see this than a larger one. Mr. Martin said one of the permitted sheet sizes is 24"x36" and he would have

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had several sheets just between the notes and the plan and the scale and the size of the property we're dealing with. It just makes it cleaner and easier to have it on one sheet.

Mr. Martin said comment D.5., a waiver has been requested from showing existing features for the required 500' surrounding the site and for those portions of the property distant from the proposed development, there isn't really any benefit showing the existing improvements within 500'. Where they are proposing the improvement, is already in their boundaries and they are not impacting any stormwater improvements.

Mr. Martin said comment D.7., a waiver has been requested not to show the natural features required as required per Section 145.33.C(5). He asked for that because we've already gone through the special exception process to permit this multi-family building and at that point in time, through that special exception process, the ZHB, that was one of the items noted in their written decision essentially that we didn't have to comply with any other requirements for impervious coverage ratios and things like that. Mr. Landis said he's not sure why we have to give a waiver if the ZHB already said that. Attorney Treadwell said because this section is in the subdivision and land development ordinance. The ZHB dealt with the zoning ordinance, and you deal with waivers from the subdivision and land development ordinance. Did it say you didn't need to show natural features? Mr. Garges said from his recollection at the ZHB meeting, the premise of the special exception request was that the ordinance allows up to a 25% increase in the use and the case law that was presented at the ZHB was if your zoning ordinance allows us to increase the use by 25% and all of the other zoning regulations that are affected by that should also fall under this special exception because of the nature of the expansion of the non-conformity. Attorney Piperato said basically what PA law says is if the ordinance permits you to expand the non-conforming use up to a certain percentage, you can't deny it by refusing to grant variances or other relief because basically you take away what you already provided for the ordinance and that's the theory behind it. That's the relief that was requested. It says "detailed requested variance from such and such sections, detailed natural resource investigations and site plan submission requirements. The ZHB agreed with the applicants interpretation by an affirmative vote of all members present, a vote of 3-0. Attorney Treadwell said he'll look at it. He understands what the law says that you can't deny a special exception because you don't meet the other, but he's not sure it says you don't have to show the natural resource features on a plan. Attorney Piperato said it excused them from having to do that with the zoning relief. Attorney Treadwell said does it make a difference if they show it on the plan or not? Mr. Miller said not really.

Attorney Piperato said on No. 10, he and Mr. Martin talked about that as that's the next one in order after the last waiver request. Getting information from PennDOT, as we all know, is difficult. However, they had to file a "Right to Know" request, but they were informed, via the telephone, that there is in fact a highway occupancy permit that was issued in the name of Forest Gable, previous owner of this property. They gave them a permit no. 75757 which was issued on September 3, 1967. Once they have that in their hands, they will provide it to the Township.

Mr. Martin said comment D.13., a waiver has been requested from setting all perimeter monumentation and the waiver has also been required for providing financial security in lieu of setting the monumentation. Mr. Miller said their office is not in support of this waiver. It would be the security for the installation of those monuments. It's probably easier to do the installation before you record the plan. Attorney Piperato said very good.

Mr. Martin said comment D.15., a waiver has been requested to not have to dedicate right-of-way and also do required roadway improvements along the frontage of the subject property. The right-of-way that would be required to be dedicated. It's about 1.8 acres and our frontage is only 21 feet. Mr. Noble said what's going on with the adjacent properties? Is there already dedication to the Township? Mr. Miller said he doesn't know that. He does know that as far as the right-of-way, it's of the opinion to take the right-of-way easement so that in the event that we need it, it's there.

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Attorney Piperato said maybe a partial waiver with that request doing the improvements. Mr. Martin said you would want it in the form of a right-of-way easement? Mr. Miller said yes.

Mr. Martin said D.16., has to do with the existing public water supply. The facility is served by an existing public water supply that is currently permitted with DEP. He tried to obtain a copy of the original permit and did contact DEP; however, they cannot find the permit themselves. He explained that to Mr. Miller in an email. As far as permitting capacity being addressed, he did talk to an individual at DEP and provided Mr. Miller with the name and number and from his conversations with him, the public water supply isn't permitted based on an actual demand and the water supply is permitted as a water supply. If the water is there and available, there is no problems with the existing permit. We don't have to revise or amend the existing permit just as long as the water is available for them. The existing well has more than enough capacity for them for this four unit multi-family building. The average daily use is about 6,000 gallons per day. The production is like 149,000 gallons per day. There shouldn't be any problems there. They are asking a waiver for appendix A.7 that has to do with applicant showing compliance with pressurization, fire protection and redundancy. As far as pressurization goes, it is an existing water supply. It does currently meet the requirements for DEP, so they aren't really violating that in any sense. There is no existing fire protection out at the site. The water supply does have a back-up pump that is powered by a generator and there is an existing 10,000 gallon storage tank that is part of the essentially treatment system. Mr. Maxfield said the 10,000 gallon tank is accessible to fire if they need it? Mr. Martin said are you speaking if a fire truck were to come out there? Mr. Maxfield said yes. Mr. Martin said there is no fire hydrant there. It's not accessible to the fire department. Mr. Maxfield said they've used ponds and rivers before. Mr. Martin said sure.

Mr. Martin said comment D.18. Attorney Piperato said they didn't know if there was a waiver to be requested or not for this section. He's looking for an interpretation of that. Mr. Miller said at the end of the day, he doesn't think there is anything you have to do. Attorney Piperato said why don't they just be careful and request it. They don't technically have it on the written list they submitted, but would like to add it as a waiver request. Mr. Miller said you are showing the vicinity of the structure, not the entire track. Mr. Miller said yes.

Mr. Noble said to go back to D.16., are you comfortable with the representation of the water supply out there? Mr. Miller said he does not disagree with anything they said. He's attempted to contact the person they gave him. He sent him to someone else and that person took a week vacation. The bottom line is he's not been able to confirm for himself that it doesn't matter if they are expanding the use. As far as the permitting, he presumes they are going to give him the same input they gave him, then he'll be fine with that. With regard to the backup and storage, the information they presented shows there is more than adequate pumping capacity out there. It's more a matter of whether or not you want to force the issue on fire protection. Mr. Maxfield said is it forcing the issue? It's an apartment complex. He would think we would want some kind of statement that it's a possible thing to do. It's possible to get to the tank. It's possible to pump it out. Attorney Piperato said they are talking about the non-conforming section that has existed there for many, many years. Mr. Landis said there is fire suppression in the new building? Mr. Miller said it's going to be required by code. When he says fire protection, he doesn't mean fire protection in the way it's being interpreted now where it's for the building. He means fire protection in the old sense where you have a fire hydrant or some sort of access to water. Mr. Landis said there is in the new building. Mr. Miller said that will be required and it is not by Township. It's by building code. Attorney Treadwell said the simplest way resolve it is to get the fire company to tell us it's either okay if there's a fire in the old buildings or they would need something else. Attorney Piperato said he understands your position from the Township, but the bottom line is that should not be an issue as that is a pre-existing non-conforming use and has existed in that condition for many, many years. He certainly understands the concern, but doesn't think it's relevant to this. Attorney Treadwell said as Mr. Hill said, you can hook a hose up to the main tank, then it shouldn't be an issue. Attorney Piperato asked Mr. Hill if it would be difficult to obtain a letter from the fire company that a 3" pipe could be connected to one of the hoses. Mr. Landis said that would be

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great. Mr. Noble said the bottom line is you are not looking for a waiver, you are going to work it out with Mr. Miller? Mr. Miller said technically it's still a waiver as there's a lot of testing requirements. There's the functional ability and it's going to have capacity for everything except the fire access, which that's going to determine. As far as their other requirements like drawdown, it gets iffy because a four unit is not going to trigger the threshold for these additional tests, but it is a new unit on an existing system that never had it before so that's where he was coming from. He doesn't even know if a waiver is required. He would recommend the waiver with the letter from the fire company. Mr. Maxfield said which means it may be a partial waiver in the end.

Mr. Martin said comment D.20., has to do with the Appendix D, a waiver has been requested from preparing and providing community impact study. Since it is an existing facility, he really didn't see the benefit of preparing the impact study since 90% of the infrastructure already exists. We're only adding four units. Mr. Miller said he never knew what that studies usefulness was, so getting a waiver isn't going to be an issue.

Mr. Martin said that's the end of the letter. It's pretty much waivers. Attorney Piperato said they will comply with D.10., which is providing a PennDOT Highway Occupancy Permit and again, they will comply with C.1., in terms of the 7,500 limitation on impervious coverage. The balance of the letter that wasn't waivers, they will be in compliance with also.

Mr. Miller said if they are addressing it, he has no concerns. Mr. Landis said they have to go through the waivers. Attorney Treadwell said unless anyone has a problem with discussions, we could do them all at once. There was only one that was questionable and one that was a no. Mr. Noble said there's also the fee in lieu of the planting and then there's the access to the fire department for the water. Attorney Treadwell said the other one was the pins and monuments which is no waiver. The overriding question is do you want to see them back here again or send them to Council? Mr. Landis said send them to Council, Preliminary Final.

**MOTION BY:** Mr. Noble moved to recommend that the Land Development Plans be reviewed as Preliminary/Final.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 4-0 (Craig Kologie, John Lychak & Haz Hijazi – Absent)

**MOTION BY:** Mr. Noble moved to recommend that the following waivers be granted:

- a. Sections 137-11.G.1, 19.F.4, and 37.C regarding drainage easements.
- b. Section 145-33.A regarding review of plan as Preliminary/Final.
- c. Section 145-33.B(1) regarding plan sheet size.
- d. Section 145-33.C(1),(2), and 34.B regarding existing features within 500 feet of the site.
- e. Section 145-33.C(5) regarding natural features on site.
- f. Sections 145-36, 41.B(4), 45.B(1), and 45.B(9) regarding improvements within the right-of-way of Flint Hill Road, provided the applicant offers an easement to the Township for the area within the ultimate right-of-way.
- g. Section 145-50 and Appendix A-7.F(14) regarding water supply, provided the applicant provides a letter from the fire chief indicating there is adequate on-site water supply for emergency services.
- h. Section 145-52.A regarding locating trees greater than 8" in diameter.
- i. Section 145-52.C(1) regarding tree planting, provided the applicant provides a fee in-lieu-of the required trees.
- j. Appendix D regarding a Community Impact Study

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 4-0 (Craig Kologie, John Lychak & Haz Hijazi – Absent)

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**MOTION BY:** Mr. Noble moved to recommend Preliminary/Final Land Development Plan approval subject to the following conditions:

1. The applicant shall comply with the comments set forth in the Boucher & James, Inc. letter dated December 8, 2010.
2. The applicant shall comply with the comments set forth in the Hanover Engineering Associates, Inc. letter dated December 9, 2010

**SECOND BY:** Mr. Kennedy

**ROLL CALL:** 4-0 (Craig Kologie, John Lychak & Haz Hijazi – Absent)

**B. IESI PA BETHLEHEM LANDFILL CORPORATION – IESI BETHLEHEM LANDFILL CELL 4-F MODIFICATION LAND DEVELOPMENT #LD 02-10 – 2335 APPLEBUTTER ROAD (TIME LIMIT 02/16/11)**

Attorney Dave Brooman was present representing the landfill. Sam Donato, Rick Bodner and Vito Galante were also present. Attorney Brooman said this was before you last month just for introduction purposes. They've received three review letters by the EAC, Boucher & James and by Hanover. Each of those three letters was the subject of a meeting they held with staff. They can work through them. They got the approval for their Phase IV extension back in the mid-2000's, and they left one issue on the table and that was how to deal with the stormwater in Basin 7. They have collaborated with DEP and the Township consultants and finally came up with a design that works for everyone. It's really a minor modification to the overall land development plan. A lot of the letter and the meeting they attended with staff was to try to discern which provision were applicable and which provision were not. In many cases, they aired on the side of a waiver from the Township as they really didn't know if they should call it not applicable. You do have a list of waivers. Many of the waivers are waivers that carry over from the prior final land development plan. Many of the ones under the stormwater management ordinance are new ones. The reason is that this entire erosion sedimentation stormwater pollen was designed, not just consistent with DEP's regulations, but your stormwater management plan. Since then, you've adopted a new stormwater management plan. We talked a bit about it. Where we could comply, we did, and in some of the other areas we couldn't comply, we asked for a waiver. He's happy to say they worked out all of the issues and they do have a new Boucher & James December 14<sup>th</sup> letter which they just received. They don't see anything in this letter that would cause them any concern. They will make the changes and make sure they are satisfactory to Boucher & James. He knows Mr. Miller certainly wants an opportunity to review, not just the text and letter, but the text against the plans. He thinks Mr. Miller is comfortable with what they have said, but he still needs to go through the exercise of looking at the plans. They would very much like to move onto Council and hoping they have a favorable recommendation.

Mr. Miller said his main goal is to know whether they are onboard with the waivers that are being asked? Before he spends any time checking that the design is internally consistent, he needs to know by what standards he's checking it by. For instance, things such as not having infiltration, not having water quality, those are big deal changes if that's something that is going to be required. They've asked for waivers of those as they are trying to retrofit the areas they have set aside. That's his main concern. He would say the vast majority of their responses sound good, and if he finds that what they propose is consistent with that, then he'll be okay with those being proposed. He needs to know that the parameters are something that this board will accept and it will take him awhile to process that the plan itself is consistent with those parameters. Mr. Landis said what we need to do tonight is give Mr. Miller direction on the waivers. Attorney Brooman said he pretty much agrees with what Mr. Miller said. There are three waivers which would be considered significant for stormwater. It's the water quality, recharge and infiltration. Those are really the mainstay of the new ordinance and new stormwater management design. The other ones are relatively minor. When Mr. Miller says he needs direction, that's what he needs direction on and that's absolutely the case. Mr. Miller said he'd like clarification that he only constrained himself

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only looking at the basins that have been changed as a result of having different things draining to it. For instance, there are other basins on this land development that he's not looking at and he doesn't think he needs to look at. He just wants to make sure they are onboard with him not looking at them. Mr. Landis said he has no problem with the ones that aren't affected.

Mr. Bodner had a set of the plans and set this sheet is as it's currently permitted. There are six stormwater basins currently serving the stormwater runoff system of the landfill. As Attorney Brooman said, in the very beginning, the whole purpose of what's before you now is to eliminate Basin No. 7, the one on the north end of the site. In doing so, what they've proposed and the modification in front of you, is to bring that water to existing basins; primarily the basins down along Applebutter Road. When we talk about retrofitting, that's the issue and where we need the waivers as these basins are existing and as Mr. Miller eluded to, making them conform to the new ordinance, may or may not be possible. He knows it's very prohibited if that were the requirement. Those three have to do with is these basins that are going to accept the water, allowing us to bring the water into those basins not consistent with the current ordinance, but consistent with good engineering, which is in the binders in front of the Township and Hanover now. In a nutshell, that's what it's all about. You'll notice Basin No. 7 under where we're headed exists no longer and that's critical to this Cell 4-F and it's critical to whether there is or isn't going to be an expansion of the landfill.

Mr. Landis said would the removal of that basin conform to the old standards? Mr. Miller said a lot of waivers were granted previously and if those waivers are continuous, then yes, they would be consistent. For instance, there's a regulation that says you could only have a ponding of four feet of water. The design was 9-1/2 feet and now it's going to be 9.7 feet. It's not a substantial difference. Mr. Landis said the big question really is if it will work. Mr. Miller said the ponds will take it. Mr. Maxfield said those ponds are probably on carbonate. Mr. Miller said the geologist said it's not carbonate underneath the ponds. Attorney Brooman said there was a lot of discussion back in time and we drilled in that area to show the contact as it was so close and we're comfortable it's not under the basins somewhere on the other side of Applebutter towards Conectiv. Mr. Maxfield asked if the basins were currently lined? Mr. Miller said he believes they are not. Mr. Maxfield said some infiltration is occurring already? Mr. Miller said if it's not completely clogged. Attorney Brooman said that was part of the discussion we had with staff. We discussed, for example, turning these basins which are retention to detention at closure, and now that's a note on the plan. There's an effort to make them as conforming as we can. There are four or five of them where we're going to make some tweaks at closure to make them more conforming for the existing site. Mr. Miller said he needs waivers and if you just want to send him off and work on it and come back to the Planning Commission or back to Council, that's the other question. Mr. Maxfield said because the basins may not be lined, you should probably come back to the Planning Commission. Mr. Landis said there are too many things here to just let it go on to Council and we need to clean them up which hopefully by giving Mr. Miller the direction on the waivers tonight, that can be done. Mr. Miller said it would be the three Attorney Brooman talked about. Are you okay with it being by the old standards? Mr. Maxfield said the majority of it's been designed that way already. Mr. Miller said basin fencing, previously that's a requirement because of the depth of their storage. It will be increasing. It will not be increasing significantly. It's currently significantly beyond the depth of required fencing and they have a perimeter fence. That was the item presented before and they'd like to continue to use that. Maximum basin external slope, there is some disagreement. He believes there is an increase in the basin of the external slope, they believe there isn't an increase. There is the external outside of the water of the basin. It's a matter of their basin that they'd have to maintain and it's not in the public area, so the question is are you okay with if it's a stable basin wall, is it okay going steeper to a 2-1? Mr. Bodner said he thought exterior was 3-1 and interior was 2-1. Mr. Miller said okay. He didn't think he would have brought it up if it was 3-1 on the exterior, but in any event, do you have any concern in regard to slope of the basin? Mr. Landis said no, because it is within the facility. Mr. Maxfield said are you saying originally it was constructed differently than designed? Mr. Miller said they believe it's the same, but he believes it was. He's perfectly capable of being wrong, so

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he'll double check to make sure his position is accurate, but either way, you are okay with it? Mr. Landis said yes. Mr. Donato said when the basins were built by the City, they were constructed per design at that time, and were existing for the ten years they had it, and how many years they had it before. This is probably before the ordinance ever came around. When they went for Phase IV, they requested a waiver for that. They were all pre-existing. Mr. Maxfield said no work has been done in that area? Mr. Donato said no. What is there is going to continue to be there. Mr. Miller said the stormwater ordinance requires maintenance, in general. Mr. Bodner said submission of a maintenance plan? Mr. Miller said a post construction plan? There is that requirement. There is one in the packet, but he has not reviewed it yet. Attorney Brooman said that's a requirement of DEP. They regularly inspect it once a month and one of the things they look at is storage capacity. Mr. Donato said they have marks on the risers now to indicate the depth of silt that is there and once it reached a certain elevation, they clean it out. Mr. Miller said that's during the sedimentation phase. After the landfill operation in this area is done, he understands, the plan proposes it to become a permanent basin. Attorney Brooman said Mr. Miller just hasn't had a chance to go through all the plans and there were a lot of changes, but that is what was discussed and that's part of whatever they can do in its post closure phase, after it's fully stabilized, turn it to retention as opposed to detention, we're going to do that. He thinks they are going to concrete risers at that time. Right now, they are corrugated but will go to concrete in the post closure phase.

Mr. Miller said drain down time, we already talked about slopes of the external. He presumes you have just as little concern for the internal slopes of the basin. Maximum basin depth was very deep before, and it will continue to be very deep. The fencing we already talked about. The drain down time is going to be longer than the ordinance permits, but it's within the perimeter of the fence. Fixed pipe conveyance flow in event of failure, he believes this is along the MSC berm. Generally, the requirement is that if the fixed pipe doesn't catch the water, like the inlet pipe is blocked off from some type of debris, that the overland water would also get to the same spot where the pipes would have taken it to. Due to the design, it's very problematic to make that happen. Mr. Bodner said it's very limited water right at the berm. Mr. Miller said if that's the scope of the area, you have contingencies for discharging down in that direction if it doesn't get captured, it's just not going to be as analyzed. Mr. Bodner said that's exactly right. Per their DEP permit, they have a 30 year post closure maintenance plan in a bond. It's millions of dollars. Let's make sure we maintain it as there's a lot of money in it. Mr. Maxfield said the overland flow that does go down to the other side, what kind of volume are we talking about? Mr. Bodner said he's thinking maybe a quarter of an acre, very minimal that wouldn't drain. Mr. Maxfield said that's going down on landfill property? Mr. Bodner said yes, not onto Hill Climb property.

Mr. Miller said they are asking for a waiver from concrete structure for outlets. It's his understanding that you are actually now proposing the concrete structures? You are looking for a waiver to allow them to continue to use it until you get to the final stages? Attorney Brooman said when we convert them to put in concrete structures at that time. Mr. Miller said that's fine. Plan scale, he doesn't see that as an issue. Sheet numbering, he actually supports that waiver just because it helps with keeping consistent with the already approved plans. Existing features isn't even a part of this plan because the existing features are before the land development ever occurred. What they are asking, is they do not have to revisit the existing features and add all the bells and whistles that are required on it. Preliminary plan, he believes that is to allow it to be both a preliminary and final at the same time. Specifications for driveways, they are on previous submissions and have been discussion about the nature of the driveway on the site. It's his understanding that a good chunk of the driveways are temporary and they are just for the use of the hauling activities. He also understands that there are some driveways that are intended to be permanent - the perimeter driveways. Mr. Donato said the perimeter driveways are not going to be altered at all. They are the same driveways that were approved prior to them putting this EMS wall in. Up to the wall would be the existing roadway which was approved back in 2002 when they came to this board and Council. Other than the new roadway, the existing roadways will be consistent. Attorney Brooman said for the most part, the perimeter roadway doesn't change. Mr. Donato said it's a new roadway of 1,800 feet which will support tractor trailer traffic and it will

have guardrails around it and it is an internal road. Mr. Maxfield said the only road usage that's changing that he's aware of is the public's access to the recycling area. Are those roads, do they meet the safety specifications for the public? Attorney Brooman said that was the subject of the second modification and they went through that in detail then. He can't tell you off the top of his head whether they conform exactly to your design standards, but he can say that at the end of the day, everyone was comfortable with them on your side. Mr. Donato said Jim brought it up that one of the roads was a one lane road and Council turned around and said we approved this in 03 and it's been in use from 03 to 08 or 09, what's the issue? It's been used for a six-year period and Council said they agreed and we moved on. Mr. Miller said at a minimum you should specify what the new road is going to be and he understands you are not going to build it to the standard requirements of this section as it would be much larger than what would exist currently, so the request is to allow the continued construction of the same type of cart way around the perimeter of the property. The steep part on the western border is the same. That's not changing. The other section he needs them to explain is they are requesting a waiver of naming the Township and Township engineer as persons insured. Attorney Brooman said his recollection of this one is because they have their insurance and everything else posted with DEP, that is annually re-upped with them. He can't recall, but he'll check on it. Mr. Miller said that covers a big chunk of the parameters he needed help with. Mr. Landis said that's the purpose to give Mr. Miller the information so he can do the final review.

Mr. Landis said do we have any extension time? Mr. Garges said February 16<sup>th</sup>. Mr. Miller said he would not recommend giving him an official recommendation on the waivers themselves.

**C. MAJESTIC REALTY CO. – MAJESTIC BETHLEHEM CENTER – EASTERN PHASE  
INFORMAL SKETCH PLAN – 3905 COMMERCE CENTER BOULEVARD**

Mr. Landis said this is a sketch plan. Attorney James Preston was present for the applicant. He said you have a sketch plan in front of you. Mr. Rocco Caracciolo from Penoni is with us tonight, and he is our Project Engineer. Skip Bailey is the VP of Majestic. They did appear in front of the Council last evening and read some interesting articles about that. What we have here is a project that's on a site that you are all very familiar with and we'll detail that soon. This is the site that the majority of the real estate is in the City of Bethlehem. There's a small portion in the back that is within the Township. They had originally intended to build the project back from Commerce Boulevard and roll it back with the utilities and infrastructure into the area of the park. Majestic has an opportunity at this time to bring in a particular user. This user is a data storage user. The facility would be for computer based data storage. That's all it is. It will be a secured facility, but we can't disclose the identity of the operator at this time. That's for contractual reasons. It doesn't have anything to do with the state security. That's just they don't want their identity disclosed at this time for certain competitive reasons. It is a computer based data storage facility which will be climate-controlled. It will be secured and will have a perimeter wall around it. That's relevant for this reason and that's why they need to be at the back end of the park so people are not driving past them. They would not want to be up near the front entrance. What that does is it flips their timeline. They need to begin at the back end of the park with this user and puts them at the point where they need to figure out where is the back end of the park. Does it include the piece that's in the Township or doesn't it. Then if we keep following the story here, that's why that is relevant. When we get back into the Township portion, if we're to develop this particular project, the part that's in the Township comes under the Township's rules and regulations, which one of those are the site capacity calculations. Those are intended to discourage or limit impervious coverage, to preserve steep slopes. They address manipulation of rock out croppings, those type of things which all make sense. This is an Act 2 site. We would take the exact opposite approach, where we would be discouraging impervious coverage under the ordinances, we need to maintain a certain amount of impervious coverage which will put them at odds with the site capacity calculations. What we are hoping to do in order to make this initial determination of where the back end of the park will be is to get a sense of whether or not the Township would be adamant in enforcing those regulations or would understand this site has certain peculiarities that probably would lend

themselves to a more favorable interpretation with respect to those ordinances. That's essentially why they are here. They did discuss it with Council last evening. He thinks it was rather favorably received. Having said that, he'd like to ask Mr. Caracciolo to use his drawing so he can tell you what we're trying to accomplish here.

Mr. Caracciolo said this is the Majestic Bethlehem center. Applebutter Road to the north; Ringhoffer Road to the east; the Calpine Power Plant to the north of that; and to the east we have Fond Run which connects to the east branch of the Saucon Creek which comes down and picks up the main stream and circles around the site and then out to the Saucon Creek and immediately into the Lehigh River. The site itself right now, there's nothing built on it yet. They do have a full approval from the City of Bethlehem. They have full Phase I approval for the first building which they've been working on to get a tenant. They also have a NPDES approval for the full site and E&S approval for the first phase. Because the site is in the old Bethlehem Steel land, their NPDES permit and all their work there goes right out to Harrisburg. He showed where Commerce Boulevard ended. He showed the sanitary sewer stub and the water main stub. The piece is about 25.68 acres. The City of Bethlehem is 415 acres for a total of about 441 acres. It's just a small portion in the back. They will have to extend Commerce Boulevard about 5,900 feet of roadway and they will be extending the water and sewer up to this point. He showed where the data center building would be and where the Lower Saucon Township and the City of Bethlehem line is. Connected to the building is 307,000 square feet of warehousing. Lower Saucon portion is 223,000. The portion in the City of Bethlehem is 84,450. Connected to that is a two story office building with 51,000 square feet on one floor and that lies completely within the City of Bethlehem. Below that is a smaller data center warehouse. This is also the first part of the project to be constructed. They would need it to be up and built by the summertime to meet the new tenant's needs. The access will come from Commerce Center Boulevard. On each side are utility pads for the actual utilities that are actually needed for each of these warehouses. On one side, there are actual backup generators as they need to make sure there is always power and on the other side is the HVAC. It is very important to keep everything the same temperature in the building. The wall that was discussed is actually the wall that surrounds the perimeter of the property. It is a 12' high wall and is a security wall. It's part of the tenants what they do so they have a secured site for their data centers. The water and sewer come in to serve the office building. They will bring the water around to service the fire hydrants and the sewer will pick up in two areas plus with the mechanical equipment, they will be need to be served by the water and sewer. It's all City of Bethlehem fed. Another aspect, on the one side they are proposing an emergency access which will come off of Ringhoffer Road. This will be an emergency access only plus just for restricted select actual customers of the eventual user of the property. This will be restricted and at the high end, there will be ten vehicles a day. They will also need a 105 joint permit application with the Army Corp and the DEP for the crossing. They will be applying for and it will be a full blown with the wetland study, box turtle study, everything that is needed there. The site itself, they have parking fields for the amount of employees there. It's projected to have 100 employees. The whole center itself will probably employ about 200 employees. They have more than ample parking. One of the things discussed were the site capacity calculations. He showed aerial photographs of the site. If you look at the 1937 historic aerial map, you can see on the far western portion how the development is finally entering into the area which we are discussing now. At that time, everything to the east was all existing farm fields. Another unique feature, if you look at where the Lower Saucon parcel is, the creek, Fawn Run, actually comes down and runs down the center of the property and through. If you go to the next snapshot in time from 1957 to 1962, you can see the construction of the main Bethlehem Steel building have moved over to about two-thirds of the property and then you can see the rail and haul road which goes into the Lower Saucon side. This was primarily where they put most of their slag, a by-product and other things which are buried under the ground. The next aerial from 1967 to 1972, you can see that the whole Lower Saucon piece in its entirety has now been covered with slag and fill material. They actually rerouted the stream and pushed it over to its new location where it runs now. The ordinance we're not trying to cheat anything or cut corners, but the intent of the ordinance is if I have a farm field, forest, where the natural features are natural, we should protect them. From our map itself, there is

an area where it's a steeper slope and that's just a product of how they were dumping their fill. There are also some steeper slopes. This is an area which was a tree row. You can see it the beginning it was a farm field, but they weren't farming it. In the next two photos, you can see they started to cut in on the one side and fill it in and then they cut in on the other. They actually use this area for a lot of their dumping and the area itself became manmade and something that needs to be protected. The actual outcrop there is very small. If he goes by the strict interpretation of the ordinance, this is something he would have to protect. The next thing is with the impervious coverage. They are allowed 60% impervious coverage in the LI zone. The remainder of the 415 acres in Bethlehem is under the flexible redevelopment zone. Bethlehem identified that this is all steel land; it's all man-made land. They had to go through a long process to get ready for Act 2 clearance. The impervious coverage on here, they are allowed to pave from property line to property line. They do have the stream here now and want to protect it and augment it and get it back to a natural stream. There are areas that are old Bethlehem Steel slag and rock out crops. They are doing the same with the East Branch of the trib comes down and they will be repairing the riparian buffer. That is all part of their Act 2 permit. The one thing they do have are areas with all the work done, it's a six volume report which is the baseline environmental report where there are things underground. What they can't have is concentrated water infiltrating through the ground. The Act 2 permit actually states to cap those areas with impervious coverage. This is at a sketch plan and are now working with the environmental company to identify the exact areas and how the cover should be. They are going to propose along the 50 foot buffer from the property line to the building setback line plus the 100 foot riparian buffer. Along the wall, they do want to see trees and want trees planted, so they are going to get it back to a green area and plant it. On the other side of the security wall, he needs it to be dust free and clean. They appeared before Council and we are appearing before the PC. A lot of times the Zoning Officer can make his own interpretation. He just needs to find out and advise his client is this something we can do and meet the deadline with this tenant. The one thing everything that came out today, it's not the only site this tenant is looking at. Right now, we want to present a site within the law, that we can get this up and running so it doesn't end up in New Jersey or New York or another part of Pennsylvania.

Attorney Preston said as Mr. Caracciolo said, we are here on sort of a mission to test the water, sort of speak. It was received well last evening at Council and hope we get the same reception here. This part of the ordinance seems to be designed to protect natural features of which this site is pretty much the void of those. In fact, it would probably require the contrary approach which is the capping and so forth that they know is going to be required when they develop this site. Mr. Landis said is capping required because of what the Steel has under there? Attorney Preston said yes. Mr. Caracciolo said it has to be capped and paving and some hard surface. In other areas, where they can, it'll be two feet of clean surface fill. Attorney Preston said why they are trying to get a sense of Council and the PC is we are on a short time. As Mr. Caracciolo said, we need to be able to advise the client whether or not we can make the delivery dates or not and if we can locate the site here and if we can't, what adjustments we would have to make to accommodate. Mr. Noble said what kind of materials are you going to put on the ground? Mr. Caracciolo said it's going to be mostly impervious where it is drive aisles. The other areas will be a 2" bituminous paving or something that will stop the water from infiltrating and then we can gather and collect it. It works out well on the eastern side as that water we were going to get on the other side of the wall and reintroduce sheet flow by setting up level spreaders so that water will be collected and put on the other side and there will be a greater benefit. It will sheet flow down to the creek. They will construct a storm water sewer there. Mr. Landis said how tall is the building? Mr. Caracciolo said the building is 24' tall. Mr. Landis said what is the thing that is going to surround the place? Mr. Caracciolo said the security wall is 12' tall. It's just a reinforced masonry block wall like they have on the interstate. There will be openings with gates so we can get the snow out and there will be a gate at the one side where the emergency access is and another gate at the end of Commerce Boulevard. Mr. Landis said the entrance is in Bethlehem? Mr. Caracciolo said correct. The majority of traffic will be coming up from south to north. It's actually a landlocked parcel, but fortunately it's a single owner. Mr. Noble said who owns the property to the north and the west? Mr. Caracciolo said Calpine owns it.

Mr. Landis said what are you look at as the total impervious cover? Mr. Caracciolo said right now just from his calculations, it's about 69%. The ordinance calls for 60%. We have a lot of property where we want to make it green. They will be planting trees there and will till the soil and put fertilizer down. Where the creek is, they are going to keep it green and stay away from it. There's actually some pretty good specimen of trees along there, the buttonwoods. They are going to replant all of their riparian buffers. Mr. Maxfield said where the building site is, it's higher in elevation than the green area? Mr. Caracciolo said yes. Mr. Landis said in relative to Ringhoffer Road, and then it goes up to Ringhoffer Road. Mr. Caracciolo said yes. Mr. Noble said everything on the west side of this is going to be contained water and go into a managed system. You aren't going to sheet flow anything into that area? Mr. Caracciolo said everything in this area we are going to contain and bring it down and it's part of their NPDES permit. They are going to try to get the stream back to it being a natural stream. Mr. Maxfield said every time he sees those box buildings and the enormous roof space on them, are there any plans for solar or anything like that? Mr. Caracciolo said they are going to design to structural elements to support solar so it could be put in later. They will have that feature available. They have some tenants looking at it that are thinking green. With a warehouse like that, the two most important things are the floor and the roof. They will make sure they meet all the regulations for level spreaders regarding the streams. They are not going with an earth and berm spreader. There's no way he would ever sign his name to that. You get one blowup and the thing opens up. It'll be an armored level spreader that is going to function and the tenant also does not want maintenance. He has to worry about a secure environment inside, so Mr. Caracciolo has to make sure things outside work. We'll need a full operation and maintenance plan that is recorded with the plan as well as their updated NPDES permit.

Mr. Kochanski said he listened to this last night and what came up was the impervious and Mr. Caracciolo said approximately 68% proposed impervious coverage. What is the current condition of impervious in Lower Saucon. You mentioned it was all slag, which could be impervious and we were discussing the site capacity calculations as that would relate to impervious and if we're already exceeding that from an existing condition standpoint, you may be improving the situation. Mr. Caracciolo said we definitely are. Their NPDES permit and what is accepted by the DEP, close to 85% of that is impervious. They were going to make a submission on December 23<sup>rd</sup>, and his client was nice enough to give them all off on Christmas Eve. Lower Saucon wasn't involved before as we thought this was going to happen six, seven years out. He'll make sure Lower Saucon gets copied on everything that is submitted to Harrisburg and what was approved before. Mr. Kochanski said the discussion revolved around possible variances and interpretations on impervious coverage with natural existing features versus man-made, but if we're already dealing with impervious coverage of 85% and are reducing that, you are lessening the non-conformity. Mr. Caracciolo said yes. Mr. Maxfield said by adding trees. Mr. Caracciolo said those are things they actually wanted to discuss now. The one thing with the steep slopes which is very evident from the past history that they are man-made and they would look for an interpretation from your Zoning Officer that they are man-made so therefore, they wouldn't be in the site capacity calculations. When they go by the letter of law, he has over 3.3 acres that could be called a resource protection, but he doesn't think it's something to protect. It's something that was man-made. The same with the rock out crop, it was just where they were dumping rock and things. As far as impervious coverage, it is a federal act to permit and for them to go above the 60%, and again, we're making it better by reducing it, if he was also on the other side of the table reviewing, he'd say his ordinance says when you are all said and done, this is what you are allowed to have. You are allowed to have 60%. Because they don't want to look like they are cutting corners, they are looking for an interpretation of additional 8% or 9% of impervious is needed to meet his federal act and make sure he keeps this property safe. A lot of money was spent to find out what was buried here and how they were going to deal with it and keep it safe.

Mr. Miller said it's your opinion that the slag is more impervious from a storm water standpoint than compacted gravel would be? Mr. Caracciolo said yes. They have areas they have identified as gravel on the property. On other areas where the slag wasn't so much slag, they were just

dumping fill that they dug out when they were building the buildings. Mr. Miller said his understanding is, not only from an environmental, but from the storm water standpoint, they are going to have less storm water as there will be some pervious where there wasn't before, and thus, it becomes a matter of distribution and conveyance. Not a matter of rate or volume. Mr. Caracciolo said exactly. Mr. Miller said he supports your idea of the perforated pipe distribution. It's a shame that there are people out there that don't like that method. Mr. Caracciolo said the new rules, for the new engineer that designs it has to sign on, that it's going to be maintained. You put an earthen berm up and it blows out, you are in some trouble. The majority of the site is provisioned on the Township and there is a very small sliver along the creek that's 100% release rate. The part along the creek they are going to be doing better as they are going to reduce impervious and are restoring the riparian buffer. Mr. Maxfield said the slag situation and the slopes is very interesting to him. With a little investigation down at the Thomas Iron Works, it's got to be a composition to the slag, but the oldest slag there, because it was poured over a period of time, as it becomes to rockify, a geologist said it almost was approaching a mild sedimentary rock. It was beginning to get that tough. We have 15' to 20' banks down there that have been holding back the Saucon Creek for hundred years now. He can believe that it is impervious. Mr. Caracciolo said the great thing is there are fish back in the creek and trees growing along it. That's why they want to take that area and protect it. Mr. Maxfield said before a fence was put up at the landfill, it cut off where Fawn Run went across Applebutter Road, there were snapping turtles on the road there. There's a wetland up above that feeds it also.

Mr. Caracciolo said they met with the Township's attorney, the attorney from Bethlehem and their attorney and what they'd like to do, and it was the professionals idea, they are going to work and get a submission in on the 23<sup>rd</sup>. Then it's up to how good his plan is and he'll work with the professionals and get this sewn up so they can come back and his goal is to make it easy where he doesn't have a 20-page letter and lots of comments. It's cut and dry and can his interpretations hold and can we agree with this. Mr. Landis said the faster way to do that is to resolve the engineering issues with the engineer rather than coming here with a big letter.

Mr. Garges asked Attorney Treadwell if he wanted to address the possibility that because it's between two municipalities there could be some conflicting regulations and some areas that the Township may have to defer some of our regulations to the City like parking spaces, size and some of the nitty gritty things. Attorney Treadwell said first of all to summarize why they are here tonight is the requirement of going to the Zoning Hearing Board from a time perspective is three or four months once you get through the appeal period. That pretty much takes the client out of the picture for this property if they have to go to the Zoning Hearing Board. That is why the issues came up about whether they are man-made steep slopes and maybe don't need to be counted in the site capacity calculations and those types of issues. From what he has heard and from what Mr. Kochanski has said, tonight was the first time he heard it was all impervious anyway. It's getting better than it is now. He doesn't see a need for this project to go to the Zoning Hearing Board unless it comes up when you are designing the plans and when our professionals take a look at it that we're not anticipating it. With that being said, he doesn't think it has to go to the Zoning Hearing Board. Mr. Landis said two issues that he has heard that would be the impervious coverage issue, the site capacity calculations, and steep slopes. Those were the issues, and he doesn't know about other ones. Mr. Caracciolo said there is just one other minor issue – the wall itself is 12' high and the ordinance does limit in the LI zone only 8' high, but there's a provision there for the Zoning Officer to allow a higher wall for height and security, which we already discussed with the Zoning Officer and the Township Planner. That was agreed that would be okay. Mr. Maxfield asked Mr. Garges if that was outside of SALDO? Mr. Garges said it's in the zoning ordinance. It's a section of fences, walls and hedges that for security purposes allows a higher wall than what the ordinance says. There is no variance needed. Attorney Treadwell said the other issue Mr. Garges was eluding to was we discussed at the meeting we had with the applicant and the City of Bethlehem was the issue there will be the parking stall dimensions. There will be between Bethlehem's ordinance and the Township's ordinance some conflicts. What we had agreed to do and looking for your acquiescence is that we would work that out at the staff level between the

people from the City of Bethlehem and Lower Saucon Township, if it makes sense. You don't want to have two different stall dimensions for the parking spaces. We'll figure out which one makes more sense and we'll use that one. Mr. Landis said this isn't retail. He doesn't know what Bethlehem's is. Mr. Noble said you mentioned your tenant was looking for larger caliper trees. The only concern he would have back there is the people that actually live off of Ringhoffer and a green buffer off of a 12' wall would be a huge help there. Mr. Caracciolo said that was their conversation today that it's a done deal.

Mr. Maxfield said one of the things that came up in discussions was lighting - understanding the need for security lighting, but being sensitive to the residents. We already have Calpine and the substation and every once in a while we have a bright light up at the landfill pointing down. We want to stay away from Stabler arena as much as possible. Mr. Caracciolo said they are all going to be dark sky fixtures and all going to be white light. There will only be minor light going over the wall and we will definitely have all the glare, per the ordinance, down at the property line. We're going to be 25' high maximum light. Mr. Maxfield said the reason being, and it would be applicable to the site, it sits on a higher land and from places like the Giant supermarket where you are rounding the corner and the Giant sits higher, you get whacked pretty good in the eyes with the lights.

Mr. Kochanski said from an adjacent neighbor standpoint, if you remember the Baumer site plan, which is right across the street, that was the closest dwelling unit, but it is now being proposed as an office with an nursery use. Mr. Maxfield said there is a proposed unit in Bethlehem just on the south side of Sherryhill too. There's a slope there and someone is going to build a house. He was going to ask if we're going to have this interpretation of the natural resources, or as he was calling them last night, unnatural resources, that we really should have a good explanation from the applicant about the thinking and maybe an interpretation from our solicitor. If there are questions from the public, he wants something there from the public to read that explains what we are thinking about if we do go down this route. Attorney Treadwell said he's sure he and Attorney Preston can work that out and he would imagine it would eventually come to him at some point for the final determination and of that interpretation. Mr. Caracciolo said they will make a submission and definitely have that. They will make sure it is well known. Mr. Maxfield said it's really important because our natural resource protections are really tight and it has impacted some people. If we are going to go down that route, we really need to rationalize while we are doing it. Attorney Preston said there's enough uniqueness here in terms of its classification of EPA/DEP and a host of unique qualifiers and we will list those and we will document those and make sure this thing is the sore thumb. Mr. Maxfield said it's going to end up being a better situation with the impervious and the tree cover, which is very important too. Mr. Kochanski said one of the overriding things different from this project than any other project we've seen with natural vs. unnatural is this already exists impervious, so from that standpoint, that's going to really factor in. Mr. Landis said we're not converting land that's useful for other things. It's not a farm field. Mr. Kochanski said you would almost consider those building materials from a rock out cropping if it's a slag that's creating it, more of a building material type of stockpile than it would have been a dirt pile that would have been naturalized into steep slopes. Mr. Maxfield said it's interesting as we may have a problem some other time in the future where someone wants to redevelop a chunk of land that is landscaped with boulders to make it look like an outcrop. We have to actually keep track of the history of what happens on these pieces of property.

Attorney Preston said thank you very much.

#### **IV. MISCELLANEOUS BUSINESS ITEMS**

##### **A. APPROVAL OF MINUTES – NOVEMBER 18, 2010**

This was tabled until the January 2011 meeting.

**Planning Commission Meeting  
December 16, 2010**

**B. APPROVAL OF 2011 SCHEDULE OF MEETINGS**

**MOTION BY:** Mr. Noble moved for approval of meeting dates for the Planning Commission on the third Thursday of the month at 7:00 PM at Town Hall.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 4-0 (Mr. Hijazi, Mr. Kologie and Mr. Lychak – Absent)

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

**VI. ADJOURNMENT**

**MOTION BY:** Mr. Noble for adjournment. The time was PM.

**SECOND BY:** Mr. Kennedy

**ROLL CALL:** 4-0 (Mr. Hijazi, Mr. Kologie and Mr. Lychak – Absent)

Submitted by:

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Mr. John Landis  
Chair