

I. OPENING

CALL TO ORDER: The Planning Commission meeting of Lower Saucon Township Council was called to order on Thursday, December 20, 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; John Noble, John Lychak and Dan Miller, Engineer; Chris Garges, Zoning Officer; Vanessa Segaline, Jr. Council Representative for the Planning Commission; Rick Tralies, Boucher & James and Linc Treadwell Solicitor.

PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT/CITIZEN AGENDA ITEMS

III. BUSINESS ITEMS

A. KAZAN, BRANDON – KAZAN MINOR MIN 04-07 – 4133 LOWER SAUCON ROAD – TIME LIMIT 03/09/08

Mr. Landis said you have been before us before. There are two outstanding letters, one from Boucher & James and one from Hanover Engineering.

Present – Steven Boell, Angela Kazan, Brandon Kazan and Tracy Hollinger.

Mr. Boell said he's an attorney for the applicant. There are a lot of drafting issues in the plan. They wanted to engage your thoughts on a couple of the larger issues regarding the lot configuration and lot access and the need for storm water review. The first question is the township engineer said the lot has an unusual shape of the plan. This is a parent track, which his Mother and Father live in the one tract, and it's 56 acres. What is proposed is almost tracking a track creating an "H" and is not irregular in shape, but the residual track will be irregular and they are asking for a wavier for the irregular track. The existing track already is irregular. There is an access drive for the existing residence to provide access. The goal was to keep that access drive on the residual track. That's why they shifted the property. His client in effort to make the track more regularly shaped bought another portion of property to make it more regular. There's an old Indian cemetery on the end of the property. They tried to balance this between the access drive and the cemetery. They are trying to figure out a logical place for the residence which is right in the middle. The property is currently under a 319 cleaner green and that's why they are doing a 14 track for the cleaner green program.

Mr. Noble asked why they didn't just divide the property in a half? Mr. Boell said it's a gift from a parent to a child. This would preserve ownership of a substantial portion of the property. Mr. Noble said future development left over with a 30 acre track, you can go nowhere. Mr. Kologie said it would make sense to look ahead and make this lot fit in for the future plans of the lot. Mr. Kazan said his parents own the property, he's an only child and they want to stay there and don't plan to move out or move on. We don't want to make it into a neighborhood as they enjoy country life.

Mr. Noble said the lot left over from your parents original track might not pass on to you, for future development of an "H" lot. Mr. Boell said his clients immediate plan is not to subdivide the property.

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Mr. Kologie said it makes sense to do it now so they won't regret it later on. It looks like you could have four lots here of decent size and it might make sense to go ahead and keep everything in 319 with no penalty. Mr. Boell said it's their position as currently configured, a future headache, and that although future subdivision will require significant planning and design, there are a few other places where it can be shifted. Given the unique features, down the road it's going to be a headache.

Mr. Kologie said it's a nice situation for a four lot subdivision using that existing driveway and take care of the lot issues and fit with protecting the surrounding property. Mr. Boell said two of these issues tie in together, the lot configuration and the access. The current access for the existing home is the common driveway with the rear property. When they were before the PC, it was suggested to him that a separate driveway be put in would be rather than tying in with the existing driveway. Looking at it, there is sound recommendation to that. Tying the existing driveway into another driveway would create a local road for PennDOT purposes and would destruct certain trees. His client has filed an application to PennDOT for highway occupancy permit and they took very little issue with opening a driveway at this location. Right now they have two issues, a location centrally between the existing residence and the unusual feature and the Indian cemetery and the desire to eliminate the need for a local road which would be overkill combined with the irregular shape of this lot.

Mr. Noble said if you go to three driveways, what does PennDOT say? Mr. Boell said a local road is intended to serve more than three properties, and three is the triggering number. The adding of a third home constitutes a local road. With experience with PennDOT, the addition of a third home, PennDOT takes the position that this is a local road.

Mr. Maxfield said that's a classification that applies to road. This being a driveway is a different classification, a private drive, it's not a road. Mr. Boell said they will be happy to provide the law to the Township.

Mr. Landis said last time they were here, the access of three did not come up. It was the trees. Mr. Boell said it's a significant steep slope and they would have to cross the slope for the driveway. Mr. Kazan said it was traffic on the lane, and made it wider and get rid of certain trees.

Mr. LaBuda said they talk about the irregular shape lot. Do you want them to come in with a different drawing or go over the letters? He has a driveway at home that is 50 feet long. Mr. Boell said given the steep slope and the need to widen the driveway and get rid of trees, PennDOT said there was no major issue with opening a driveway at that point.

Attorney Treadwell said why don't we look at the planning issues tonight. Mr. Maxfield said your goals for this property don't necessarily point to this layout. They can accomplish the goals without leaving a very strangely shaped lot which can not give the owner problems in the future, but give the township problems in the future. They need to look at their plan and come up with a different layout. It wouldn't be a good precedent to have a lot like this. Mr. Landis said you could possibly create another lot that has the Indian cemetery in it. Mr. Boell said we are not looking for three lots with separate ownership. The parent is giving a child a lot for him to build on. They don't know what they would do with the third lot.

Mr. Tralies said they have not gotten site capacity calculations yet. Before we start talking about a third and fourth lot, we may not even be permitted to do it as there are steep slopes on the lot. We may not want to go too far into discussing third and fourth lots. Mr. Maxfield said it needs to be re-looked at. Mr. Boell said in what ways do you feel this could be subdivided into two lots? Mr. Maxfield said what the ordinance says is to attain a rectangular shaped lot. Mr. Tralies said it does present potential for issues down the road if you guys are still in the center lot and the surrounding

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lot passes to another owner. You put yourself in a position where the owners of the surrounding lot may incline to trespass on your lot. That's why we try to keep the lots more regularly shaped.

Mr. Kazan said he is an only child, he will get the other land and their goal is to keep it in the family. Mr. Maxfield said it's more of a reason for problems for your descendants in 25 years.

Mr. Boell said the Indian cemetery is the little cutout on the plan. Mr. Maxfield said we might be talking about extremes. We might make slight adjustments for the subdivision to happen in a more orderly way. There's a lot of slight shifting of lines that could result in a more regular shaped lot. Mr. Boell said the goal is to have an 11 acre tract. The question is how do you put an 11 tract, subdivide it out of this property. The best way to do this is the way they proposed. They spent hours looking at this from many different directions.

Mr. Noble said by carving a lot in the center, you almost designated this as a three parcel property and you might as well do it right now. Now's the time to take into the consideration the cemetery and create three lots. Mr. Boell said your comments are fair. It's just our position right now that they don't want a third lot now. He's never sat in front of a Planning Commission where they wanted three lots instead of two. Mr. Noble said you have a six acre landlocked piece that could be put with the lot in the front. Mr. Maxfield said we are agreeing that this is a vexing lot and you need a creative solution and this is not the solution. There are some possibilities and you need to look at it and also a situation where it would keep you open to clean and green. Mr. Boell said their opposition is pretty clear on this. Right now they have a plan as proposed. The lot location is there. They came to the PC previously and they figured out this would be the most appropriate location to build this house. It's an unusual lot and 25 years from now, it will still be an unusual lot.

Mr. Hijazi said can you keep that location but shift the boundaries and lot sizes? Mr. Boell said in order to shift it, it would have to be shifted over here which can't be done, and shifting it the other way would require new perk tests and other significant development issues. Mr. Hijazi said keep the house, but subdivide and work with the lines. Mr. Kazan said the lane would be going thru the three properties. Mr. Noble said that would be fine.

Mr. Tralies said you may be able to do this and only have the road go on two lots and explained how to do that. Instead of bringing the lot line straight up, you could go out and around a little bit if that was a make or break issue, two or three crossings. We're not changing the size of the 11 acre lot. The third lot would be a boot shaped lot. Mr. Landis said you would make a lot that would have the cemetery in it. Mr. Kologie said that makes the most sense and you've created a relatively regular lot.

Mr. Boell said you are putting these people in a position that they have a third lot that they have no intention to develop in the future. If we subdivide that, would they have to get perk testing over there? If they are to perk test and it doesn't perk, what would that lot be then. Mr. Kologie said you can do a non building waiver for agricultural purposes that you don't intend to develop.

Mr. Boell said it's a parent trying to give a land gift to their son. To put a deed restriction on there, they'd be shooting themselves in the foot to try to do something beautiful for their child. If this is a subdivision down the road, then his client can acquire the property in the back, an orphan track, a green space or a conservation easement, there are development solutions to that. This is a significantly sized lot.

Mr. Boell said to create another lot over there, it would create a lot in excess of the three to one ratio. Mr. Maxfield said we could live with that as it's a much more regular lot than you have now. We are not asking for it to be perfectly regular.

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Mr. Boell said you want him to have his client to go to the Zoning Hearing Board and that the lot be configured for a three lot subdivision, obtain a variance for the three to one requirement. Mr. Landis said it's a waiver. Mr. Noble sticking a lot in the middle of this is an extremely irregular shaped lot. Mr. Landis said try to create the remaining lot more regular. Attorney Treadwell said if you want a waiver, make it the minimum. Mr. Boell said if we divide this into three lots, and we have to talk to the other people involved, the Planning Commission (PC) would be inclined to recommend a grant of a waiver for a three to one ratio. The PC said yes.

Mr. Garges said a two lot and a three lot are still considered a minor lot subdivision.

Mr. Boell said on the separate access, what is your preference? Mr. Boell said on a separate track. PC said they still in favor of that.

Mr. Boell said the last waiver, under subdivision land development ordinance section 145.43.b, paragraph 2, the township staff indicated there would have to be a planting berm along the front of the property as this is a heavily wood lot. The planting berm would not be needed. They are going to request a waiver from that. Mr. Miller said normally what is required in a non wood scenario like this, is you put in a berm, have plantings on the berm, have an easement with the association of the plantings on the berm and have an additional setback to keep the lot away from the arterial road. A lot of steep slopes, the township has allowed to let the existing trees count as the required trees. The additional setback has been held and the easement has been held. There hasn't been a requirement to put anything in it. Mr. Boell said his understanding is they are going to go for a partial waiver. The plantings and setback will be complied with. Mr. Tralies said there is a separate street tree requirement and there are a lot of existing trees on the road, put them and mark them on the plan, but if there are gaps, there are requirement to provide trees on both lots.

Mr. Boell said the last issue is the 10,000 square footage of earth disturbance is below that. Accordingly, the storm water requirements are not triggered here. Mr. Miller said it's important it stays under 10,000 as there are so many other impervious areas on the lot. If you go over 10,000, there are impacts that those existing features have to become managed. You don't want that. Mr. Boell said his client understands if he develops the property in the future and goes over 10,000, he would be required to do storm water management. He understands that. Mr. Miller said you need to be clearly stating that it's under 10,000. Mr. Maxfield said we talked about reducing the length of the driveway and you are behind some trees and you could be behind some trees up further. Mr. Kazan said this area was a former field and it's very low brush and weeds, which would make an excellent back yard for this house for children to play in and it's level and not be heavily graded. That whole open area is field. No trees to be cleared, a yard to be ready and waiting. They have a proposed turnaround for the driveway for ingress and egress. They will provide documentation to the engineer for satisfaction on this.

Mr. Boell said there are township engineer comments about right of way easements on the front portion of the property. This is a PennDOT road and they don't know the purpose of an easement on a PennDOT road and why it would be necessary on a PennDOT road. Mr. Miller said they prefer to take a right of way easement, which is the owner still owns the land, but the township could take it as a right of way sometime in the future. Mr. Boell said it's a PennDOT road. Attorney Treadwell said sometimes PennDOT turns them back to the Township. Mr. Boell said fine, you answered our question now.

MOTION BY: Mr. LaBuda moved to table.

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

B. REEN DEVELOPMENT INFORMAL SKETCH PLAN

Mr. Landis said we received the sketch plan.

Present – Mr. Tony Dimenichi, John Hacker, Attorney, and Tracy Hollinger. Mr. Hacker said they were here before. The plan ran into several plans with the township and in the long run it had an engineering problem with the sewer system. The community sewer system has to be down here at northwest berm. They are proposing a five lot subdivision and all the rest in open space. All the homes would be served by the community sewer system. They have plenty of space for the system. The land slopes down the way towards the sewer system. They are planning a planned community under which this all would be common space which is jointly owned by the five lot owners and be paying a minimum annual fee for the maintenance of the sewer system. The PC wanted them to provide a maintenance agreement for the system and they are willing to do that and provide it to your Solicitor. They are going to the sewer authority and offering it to them, but they think nobody is going to take it. That's pretty much it. It's a 33 acre site and they are trying to get five lots out of it. Mr. Kologie said he doesn't know what the site looks like, and there are all these areas and there might be a better way to situate the lots. Mr. Tralies said going back to the lots, it's sloped and goes down to the river. Right up front along the road, is already pretty well disturbed from an environmental standpoint and where they would want to see the houses. Mr. Miller said it's pretty much disturbed and grass will look much better there.

Mr. Maxfield said will the common area be protected so it won't be disturbed later? Mr. Hacker said it's non developable in the future and they would deed restrict it. He said they could do recreation, but they'd rather pay the fee. Mr. Maxfield said what he's heard is it's almost cliff like in the back of the property where the riparian buffer is. Mr. Maxfield said he has no problem with the way they have it proposed. Mr. Landis said they have to get the community sewer right. That's the only thing that he is bothered about.

Mr. Noble asked what the treatment system would be? Mr. Garges said septic tanks at each house and then run it down to the pump tank and it's going to be an oversized sand mound. Mr. Hacker said the system is low maintenance. Mr. Maxfield said last time you were here, there was access to the lot in the back, is that all cleared up? Mr. Hacker said there is access on the western boundary. Mr. Maxfield said it was access to a property way in the back? Mr. Landis said that is a property across the street. He knows right what Mr. Maxfield is talking about.

IV. MISCELLANEOUS BUSINESS ITEMS

A. APPROVAL OF MINUTES – NOVEMBER 15, 2007

MOTION BY: Mr. LaBuda moved for approval of November 15, 2007.

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

B. ESTATES OF STONEHURST AT SAUCON VALLEY PLANNING MODULE FOR APPROVAL

Mr. Garges said this is the six lot subdivision on Waldheim, a cluster, and they want to preserve the back of it and then build six lots on the front with normal septic, primary and alternate.

MOTION BY: Mr. Maxfield moved for approval of the planning module.

SECOND BY: Mr. Kologie

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ROLL CALL: Mr. Landis asked if anyone had any other comments or questions? No one raised their hand.
All in Favor: Yes
Opposed: None

VI. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS

Nothing

VII. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment. The time was 8:55 PM.

SECOND BY: Mr. LaBuda

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