

**LOWER SAUCON TOWNSHIP  
PLANNING COMMISSION AGENDA  
February 23, 2023**

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**I. OPENING**

- A. Call to Order - 7:00 p.m. at Lower Saucon Town Hall, 3700 Old Philadelphia Pike
- B. Roll Call – Craig Kologie, Chairman; Tom Carocci, Vice Chairman; Chris Nagy, Secretary; Hazem Hijazi, Douglas Woosnam and Jeffrey Schmehl, Members; and Nitya Thakkar, Jr. Member
- C. Pledge of Allegiance

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

**III. BUSINESS ITEMS**

- A. Steel Club Phase 3 Preliminary Major Subdivision #MAJ 01-23/Steel Land LLC/Dave Spirk – 700 Linden Avenue - exp. 04/26/23
- B. Old Philadelphia Pike Formal Sketch Plan #SK 01-23/Tuskes - 3679 Old Philadelphia Pike & 3672 Route 378
- C. Zoning Ordinance Amendments
  - 1. Ordinance 2023-1 - Proposes to amend Chapter 180 (Zoning) of the Code of the Township of Lower Saucon and to revise the Zoning Map:
    - Changing approximately 19.6 acres of land from GB1 and GB2 zoning designations to a GB zoning designation in the state route 412 area of the township;
    - Changing approximately 75.37 acres of land from GB1 and GB2 zoning designations to a GB zoning designation along state route 378;
    - Changing approximately 86.20 acres of land from an R40 zoning designation to an LM zoning designation in the Easton road area;
    - Revise section 180-14 to eliminate the GB1 and GB2 zoning districts and replacing them with a GB zoning district;
    - Revise article XII to remove the GB1 zoning district regulations and to replace them with GB zoning district regulations;
    - Remove article XIII GB2 zoning district regulations;
    - Revise the article XIVA light manufacturing zoning district regulations;
    - Revise the table of uses in appendix “A” to provide for additional permitted, conditional use, and special exception uses in the GB and LM zoning districts
  - 2. Ordinance 2023-2 – Proposes to amend Chapter 180 (Zoning) of the Code of the Township of Lower Saucon and to revise the Zoning Map:
    - Changing approximately 32.10 acres of land from the R40 zoning designation to the GB zoning designation;
    - Changing approximately 7.29 acres of land from the MH zoning designation to the GB zoning designation;
    - Changing approximately 22.16 acres of land from the MH zoning designation to the R12 zoning designation;
    - Changing approximately 2.45 acres from the R80 zoning designation to the GB zoning designation;

**IV. MISCELLANEOUS BUSINESS ITEMS**

- A. Approval of Minutes – January 26, 2023
- B. Discussion of Meeting Procedures

**V. PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

**VI. ADJOURNMENT**

**I. OPENING**

**A. CALL TO ORDER:** The Planning Commission of Lower Saucon Township was called to order on Thursday, February 23, 2023 at 7:04 p.m. in Town Hall at 3700 Old Philadelphia Pike, Bethlehem, PA, with Craig Kologie presiding.

**B. ROLL CALL:** Present: Craig Kologie, Chairman; Tom Carocci, Vice Chairman; Chris Nagy, Secretary; Haz Hijazi and Jeffrey Schmehl, Members; Jim Young, Zoning Officer; Linc Treadwell, Solicitor; Brien Kocher, Engineer; and Nitya Thakkar, Jr. Member.

Douglas Woosnam was absent.

**C. PLEDGE OF ALLEGIANCE**

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

None.

**III. BUSINESS ITEMS**

**A. STEEL CLUB PHASE 3 PRELIMINARY MAJOR SUBDIVISION #MAJ 01-03 – Steel Land/Dave Spirk – 700 Linden Street – exp. 04/26/23**

Present were Attorney Jim Preston; Dave Spirk, Developer; & Scott Mease, Engineer.

Jim Preston stated we're here for a plan review. We did get a comment letter from your engineer, from Hanover Engineering and it's kind of thick letter, we have 68 SALDO comments, 45 stormwater management comments and 32 zoning comments. But, the good news is they appear to be all pretty much will comply. We don't take any issue with those with the exception of perhaps 5 or 6 items which we'd like to discuss with you. And that discussion will be had with Mr. Mease as to those items that he would like to have some discussion with you.

Craig Kologie stated sounds fine.

Scott Mease stated Jim said 5 or six; but, mainly we have a waiver request and I revised that today after getting Brien's review letter. There were a few items that he picked up in the subdivision regulations. So, I did revise that. The waiver request and I think most of you were here for Phase 2. Basically, the waivers that we're asking for are the same waivers that were requested and granted for Phase 2. It deals with like some plan scale issues, showing information off the property for a certain distance and things like that. So, there aren't any actual specific ones that I see that I need to go over with Brien. Because like I said they are for the most part identical to the waivers that were granted with Phase 2.

Brien Kocher stated since we just got this today, I can't say I've studied it in great detail. But, most of the ones on here I do recognize. There's a few in there, Scott, I'd like to take some time and review with you to see if we can maneuver things around. But, in general they're pretty similar to Phase 2.

Linc Treadwell asked can we put the plan up, Jim? And can you guys maybe just run through briefly what it looks like? There are some people in the audience and there may be some people on here that haven't completely seen it.

Scott Mease stated we can start there, this is the overall full golf course property. Phase 2 was the Ross Hill development which is up on the upper right corner of the screen there. What we're doing in here before you tonight is Phase 3. Phase 3 has 2 development areas, Fairway Woods which consists of 63 town homes and then the Turn which is 59 homes in the far left side of the property which is next to the school. And if you want to go to the next page, this shows you a blow up of the Fairway Woods and we have Morris Avenue and the main road coming in off of Wassergass right here. And then it branches out in a T and then we have these 2 cul-de-sacs off the end and one of the comments that Brien had raised was okay why do we have a cul-de-sac right by the road, right by Wassergass Road; and, that's because there's a steep bank here and we could not comply with the road requirements if we were trying to reconnect this in here. So, that's why we put the bulb right there. And, if you go to Page 3, that's a blow up of the Turn. The Turn has a road coming in off of Reservoir Road. The road comes in to a cul-de-sac bulb and then back here and there is another cul-de-sac that comes off in the middle of Armour Avenue to another cul-de-sac bulb here and these are all the homes that would be constructed. And then the golf course is just above this. This is to the south of the golf course. That's a general over view of what's being proposed with Phase 3.

Jim Preston stated one of the comments Scott, you mentioned about the end of the cul-de-sac, but the position of Wirth Road with respect to the proposed roads, I know that was a comment from Public Works. Can you explain why you're not connecting there?

Dave Spirk stated in 2014 and 15 when we were going this, the residents from Wirth Road asked that we not connect it. And, so they asked that we not even bring it, we said well we'll put a gate there. And they asked here in this forum if we would not even line them up; and, so that's what we did.

Brien Kocher stated ultimately that's something the Township has to decide. But, I wanted you to revisit that as to why that's not connected to see if you're okay with that.

Craig Kologie asked so that just ends in a dead end? It's not even a cul-de-sac there?

Dave Spirk stated there's only a couple of houses there. And, if you remember that some of the comments from I think it might have been the Lehigh Valley Planning Commission was about snow plowing. But it's a private road, we're going to do all the snow plowing so it's not necessarily a concern of public works. I know public works commented on it; but, theoretically they're never going to have to do any work on the road including snow plowing.

Craig Kologie stated Scott, you said the other cul-de-sac, there were slope issues there that you couldn't address?

Scott Mease stated there's a difference of probably 8 feet, 6 to 8 feet, in elevation from the road to that cul-de-sac and this road is sloping down towards Wassergass and it would be a very steep slope if we were then trying to match down to the grade of the road. And then we do have off this little like leg coming off that cul-de-sac, that is an emergency access right there that you could come off of that cul-de-sac right there. That will be designed as an emergency egress.

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Craig Kologie asked what's the width of that?

Scott Mease answered it would be 12 feet.

Craig Kologie asked did we get comments from emergency services yet on these plans?

Scott Mease stated we did get a review letter from the Township Fire Marshal and also from the Township Police Department.

Craig Kologie asked what did they say?

Scott Mease stated the Fire Marshal says that no major issues but I do have a concern with the Turn subdivision proposing the landscaping. (sheet 3 Jim), so this is a landscape buffer right here. And he had some concerns that putting a landscape buffer all along here. We have trees that are specified in the Ordinance and he would like to see maybe shorter trees there because he said if you had to fight a fire coming in off of Panther Way, he would not want to see tall trees there.

Jim Preston stated trees would be in the way of the aerial lift.

Scott Mease stated yet, that's it. That was his main concern.

Jeff Schmehl asked do you plan to change that then?

Scott Mease stated we don't have a problem with that. With regards to the Police Department, they had 3 comments. It says make sure there's sufficient safe sight distance for these roads, which we have checked and there is. They would like vertical reflective striping on the stop sign posts; and, they said they want painted stop bars at all stop signs. And, we're fine with all of this.

Jeff Schmehl asked so, you're able to address the concerns of the fire department and the police department, because they have a letter here too?

Scott Mease stated and then Brien did have in his review letter, there are a number of maintenance and access roads that we designed in this as required by the ordinance and he just questioned the Township to determine whether they're suitable or acceptable or not.

Jeff Schmehl stated just a couple of things on the waivers here that I have questions on. The waiver from widening the existing roads along the golf course, which I understand why they wouldn't want to do that. What about at the intersection of Armour Avenue and Reservoir Road? Is there any issue with the road width of Reservoir Road where that intersection comes in?

Dave Spirk asked you mean the existing now today?

Jeff Schmehl answered yeah, because I don't think that's planned to be widened there. Reservoir Road is not going to be widened where the intersection is?

Scott Mease answered no.

Jeff Schmehl asked and there's no issue with the existing width of that road?

Dave Spirk stated there's many intersections on Reservoir Road.

Scott Mease stated and it's designed to the Township Ordinance for the radius and things like that.

Chris Nagy asked with the left hand turn and the extra traffic you're not going to see a problem?

Scott Mease stated we don't anticipate that, no. Not for the type of clientele that will be using these or living here.

Jeff Schmehl stated regarding the spec on the road, the asphalt spec, they were asking for airport mix, which I got to tell you that I'm not familiar with.

Dave Spirk stated the base coat is a certain size stone, bigger, and then there's a sort of intermediate size; but, this is a mix of the intermediate and base stone. It's a fairly common, it's just very thick. Instead of layers of different types, it's a structural asphalt.

Jeff Schmehl asked what is the profile of the road going to be? Because it looked like the profile was 9 inches of DGA and then 4 inches of stabilized base and then 2 inches of wearing course. Are you just asking to replace the wearing course?

Dave Spirk answered no, not the wearing.

Jeff Schmehl asked so, we're changing the whole profile.

Dave Spirk answered just the structural paving.

Jim Preston stated it was approved also.

Jeff Schmehl stated I figured it was approved, I wasn't involved in Phase 1 and Phase 2 and I kind of figured it was approved there. I want to make sure you know what you're getting into to.

Dave Spirk stated exactly, I'm very interested in this road lasting as long as possible. So, it's a mix that we use on a lot of our roadways.

Jeff Schmehl stated okay, it's just that I've never seen it before.

Dave Spirk stated ultimately, it's something that we could put in, because we anticipate that we won't put a wearing course in for some amount of time. It's a lot of town houses here squeezed in, this is the whole idea with this. We took the capacity of the 280 acres and now we're squeezing in under 30. So we have so many homes squeezed in that we believe we're not going to get to the wearing course until we have a great percentage done.

Jeff Schmehl asked so this is basically, you're going to put a wearing course over this airport mix?

Dave Spirk answered eventually, yes.

Jeff Schmehl stated all this wasn't clear in here when I was reading it.

Craig Kologie asked Brien, that's basically 19 mm, the airport mix that they're using?

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Brien Kocher stated I don't know that that's how they classify it. But, do you have problems getting that from plants? You have a lot of roads here.

Dave Spirk stated yeah, you know we have a lot of problems with a lot of things since 2020, so, yeah it could be a moot point. You're right Brien. Oil, petroleum products are tough, that remains to be seen.

Brien Kocher stated I meant just the different design. If PennDOT or the Townships are running 5 mm or 19 mm, you can get that.

David Spirk stated so for the amount of roads we have, we probably will. If we were doing somebody's driveway, then maybe not.

Jeff Schmehl stated the plant will mix it up for you.

Dave Spirk stated most likely they'll mix it up, you know we're talking about thousands of yards here, cubic yards of material. So, they'll likely accommodate us. But, again wearing course keeps the water from going through and then you have the freeze thaw and it breaks up and you get pot holes and all that. Anybody that lives in Pennsylvania understands this. So, the airport mix keeps that water out a little bit longer than a plain old base coat.

Craig Kologie stated I think it's similar to the 19, because has smaller aggregate and that's really what that is.

Dave Spirk stated it has structural value, but also sealing value.

Jeff Schmehl asked do you think you're going to do all that in one shot?

Dave Spirk answered yes, we will do it all in one shot. That's likely what will happen. We're building these town houses to suit, so they're all going to be custom houses. So, we're going to have so many contracts done that we would then, it would pay for the road. So, it's about a third, once we get a third sold, that's why we're sort of waiting on Ross Hill even though we had that approval almost a year ago.

Brien Kocher stated if you're planning on putting wearing over top of the airport mix, it's not what your plane cross section says. So, you should think about that with respect to curb grades in the long run.

Dave Spirk stated we have to mill some areas near the curb and that kind of thing.

Jim Preston stated I think what Mr. Spirk meant was that we were concentrating the houses in certain areas. We're not squeezing anything.

Jeff Schmehl asked did you say that you're going to meet the requirements from the Lehigh Valley Planning Commission?

Dave Spirk answered yeah, there wasn't much there from the Lehigh Valley Planning Commission. I talked about similar things that the public works talked about, snow plowing and that kind of thing. And, again it's a moot point. I will admit that we've done subdivision in the past with cul-de-sacs, it's a pain. Cul-de-sacs are a pain, there's no question about it. But people like cul-de-

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sacs, they like to live on them, but it's not easy to maintain from the public works perspective. I don't remember, that was pretty much one of their main points. I think they mentioned the Wirth Road intersection not being lined up. I think this is a unique thing for Lower Saucon Township, this is an amendment to the golf course use in the R-40. What everybody likes about it from environmentalists to the buyers themselves is it's on a golf course that has 200 acres of open space around it. And that's what we were able to preserve at a time when there was a possibility that they were going to sell off Silver Creek and just cover the whole place with 159 houses.

Tom Carocci stated I'm chair of the EAC and we looked at this at our last meeting and there were no concerns from an environmental standpoint by the EAC.

Craig Kologie asked and there's going to be an easement on the open lands, right?

Dave Spirk answered right.

Craig Kologie asked is that easement in place yet.

Dave Spirk answered yes, it's part of the zoning requirement for the cluster development.

Craig Kologie stated right, I just didn't know if that had been recorded yet.

Dave Spirk stated everything is recorded, that verbiage is recorded when we record the plan.

Linc Treadwell stated there is no easement recorded yet. There are notes on the plan that require it and the ordinance requires it; but, the actual document is not recorded.

Brien Kocher stated I think they have to do that before they even record Phase 2. I think that's one of the comments from Phase 2.

Craig Kologie asked Brien, are there any other issues with the list of waivers?

Brien Kocher answered other than I'd like the chance to run through them with Scott as he's revising the plan. But, I don't have anything other than in my letter.

Craig Kologie stated there are a couple of things in the letter that talk about Township input with regards to emergency access and some road crossing issues. Is that anything that we would need to comment on at this point, anything that requires our input?

Brien Kocher stated I think one of the things in the letter asks if you're putting stop signs at the cartway crossings of the roads.

Dave Spirk stated I don't know. Maybe where it hits the roads where the cars are? I thought you meant on the golf course.

Brien Kocher stated no.

Dave Spirk stated yes, the emergency access roads basically put you onto the golf course. It's an odd thing to see for an emergency access road that you're going onto a golf course. In order for us to maintain the golf course, we have tri-axle trucks on it, we have backhoes on it and that kind of thing. Even the cart paths, you think that there's not much to them, they're substantial enough

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again that we are moving around stone and sand and heavy equipment. So, whether it's a fire truck that comes in through the golf course, which I can't imagine that's going to ever be the case, but if that was the case, a fire truck could go through. The cart paths are wide enough to put virtually any kind of equipment on it. Quite frankly in an emergency if the truck had to go across the golf course, so be it. It's an emergence and that's that.

Brien Kocher asked do you maintain them in the winter? Do you take the snow off the cart paths?

Dave Spirk answered not in the middle of the golf course; but, we are going to maintain them. I sent Jim an elevation view, each town house is going to have a golf cart. The idea is that these are typically retirees or empty nesters at the very minimum. And the little garages, one is to the right and one is to the left, this is a twin, they're going to have carts in them, so cart – golf carts. So, you would live here and really spend all your time on the property. You'd go to the clubhouse for dinner, the pool, fitness center and all that kind of stuff. And so, to answer your question, yes we're going to have to maintain them, we're going to get these people to the services that they're going to be using at the clubhouse. So, there will be some, if not all, some of the cart paths plowed. We didn't have to do any kind of plowing this winter, so everybody would have been happy.

These are the ones we designed for a twin for a couple of customers in Ross Hill; but, they're all going to be of similar look. I think there's one more look. That one on the right is 4500 square feet.

Jeff Schmehl stated it's a big empty nest house.

Dave Spirk stated it's what people want. I have a feeling that before we're done especially in Fairway Woods, they're going to be a little smaller.

Jeff Schmehl asked is the stormwater plan review complete? Is that done?

Dave Spirk stated it was already done.

Craig Kologie asked are there any other comments? What's the pleasure of the Commission?

Linc Treadwell stated this is a preliminary plan, so it depends on whether you want to see some of the things in the engineering letter cleaned up and brought back or whether you're okay making a recommendation on the preliminary plan and the waivers tonight.

Chris Nagy asked do we want to wait for the final review of the waivers? We don't see anything in there that's ground breaking.

Tom Carocci stated if Brien's comfortable. Are you comfortable?

Brien Kocher stated if there's nothing that jumps out at you guys, what we'll do, we'll make sure that everything in the letter gets done between Linc and I. And then the waivers that we feel Council needs to approve will go in Council's motion. If we feel they can work it out without a waiver then they'll have to work it out before it goes to Council.

Jim Preston stated and we're okay with that.

Tom Carocci stated I'm okay with that if Brien recommends that.



Linc Treadwell stated you'd make a motion then to review the waivers listed in the February 23, 2023 Mease Engineering letter subject to Brien reviewing them and discussing them with the applicant prior to the applicant going to Council.

Craig Kologie stated that sounds good. Does somebody want to make that motion?

**MOTION BY:** Chris Nagy moved to recommend to Council approval of the waivers listed in the February 23, 2023 Mease Engineering letter subject to review by Hanover Engineering and discussions with the applicant prior to the applicant appearing before Council.

**SECOND BY:** Jeff Schmehl

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Woosnam)

Brien Kocher asked and you're okay getting it all worked out before it goes to Council? We don't want to take a letter like this to Council.

Jim Preston stated we are. We're agreeable.

**MOTION BY:** Craig Kologie moved to recommend to Council Preliminary Approval of the Steel Club Phase 3 Preliminary Major Subdivision #MAJ 01-23 conditioned upon satisfying all items listed in the February 16, 2023 Hanover Engineering letter, LVPC letter, Fire Marshal comments and the Police Chief comments.

**SECOND BY:** Jeff Schmehl

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Woosnam)

**B. OLD PHILADELPHIA PIKE FORMAL SKETCH PLAN #SK 01-23 – Tuskes – 3679 Old Philadelphia Pike & 3672 Route 378**

Present were Phil Malitsch, Director of Land Development with Tuskes Homes and Chris Brown, Architect.

Phil Malitsch stated we are currently partners with the land owner in this project and that's how we've submitted it. The project was submitted over 2 parcels and the zoning line in the Township from the limited business district and the Village Center residential district kind of splits them. So, the parcel line is the zoning boundary line. There's a good chance based on some recent discussions and quite frankly some miscommunication between the land owner and our office that that southern parcel will not be included in the project when this comes back to the Township in a more formal fashion. And, what that's ultimately going to do is it's just going to drive the unit count down because that plays right into the density that's allowed for the site. But having said that, you can tell by the layout that we have submitted that the vast majority of this site is going to ultimately be preserved in some type of an open space. That's just a product of the allowed density that we can have for a project like this. And, also it's limited by constraints that are in the Township Zoning Ordinance related to environmental features. When we submitted the sketch plan to the Township, we did not have any environmental delineations done yet. So, the environmental features that were presented on the sketch plan were just generally presented as wetlands. What we've since discovered and it's referenced in the Township Engineer's review

letter is that it's actually a combination of a stream corridor and wetlands. So, if you're looking at the plan, on the left side of the page that is to the south, as you can tell we're right across from the Township complex here. The wetland complex is pretty much associated to the south of the property and the top three-quarters of it is really a stream. What that does is it actually works against us in that the stream limitations and the buffer impacts are greater for a stream than they are for a wetland. So that's something that we're going to have to navigate as we survey the property and quite frankly refine the project.

Currently, we're presenting 3 buildings of 13 garden apartments. We presented this with 4 independent parking lots and accesses onto Old Philadelphia Pike. It's really a double frontage configuration in that 378 is the back of this project as it's presented; so, there's really no development proposed on the other side of the creek on parcel 1 or parcel 2. The Township Engineer provided a very thorough letter. The major points of the letter had to do with the environmental constraints, the buffering, the impacts and the weighted impacts that are associated with those environmental buffers, the driveway connections to Old Philadelphia Pike and the setback limitations for the garden apartment buildings. So, the garden apartments are allowed in the zoning district, but there's a catch; and, the catch is that we have to present architectural renderings and they can't just look like boxes. They have to really fit into the neighborhood. So as we work on preliminary and final plans, you'll be seeing a lot of that product come in with our plan submissions.

Chris Brown stated when Phil first presented it to me, I first thought this is the last undeveloped parcel right across from the municipal complex and I thought to myself well this is going to be a real challenge and one that I willfully accepted. I really think that the layout speaks to sort of the seriousness that we put into the fact that this is right across the street from the municipal complex and within a portion of this Village Center district that has a lot of original character for Lower Saucon Township. So, while we were excited about the prospect of garden apartments in this project, we wanted to make sure that we presented something to you guys that was respectful of the scale and character of the existing homes and buildings in this part of the Township. That's why we ended up with 3 buildings. It may not be the most economical way to develop garden apartments; but, we wanted to size and position and scale these so that it would be harmonious with the varying structures and single family homes and various buildings along Old Philadelphia Pike. Also another reason why we have the individual driveways, I appreciate the fact that it was pointed out that in some respects due to distance between the driveways and the share number of driveways that we aren't in compliance at this current time in the sketch. But we thought that breaking up the parking and having the driveway connections to Old Philadelphia Pike was still sort of more in keeping with the scale and character of the way this portion of the Township is currently developed. We have an alternate sketch plan that I was going to share with you guys tonight that basically took the review letter and with some very minor modifications we feel really brings it into almost direct compliance with some favorable interpretations and some discussion about a couple items that Phil eluded to that being the setbacks. We really like the provision in the Zoning Ordinance that talks about the setbacks being averaged in an area of the Township where the majority of the structures the existing street are already sort of non-conforming, the idea of taking that averaging. So, we took a look at that, first of all the sketch plan was submitted trying to respect the underlying V-C district setback. So, what you see before you is the 25 foot setback. Garden apartments, however, in the V-C district require a 50 foot setback which we feel would be inappropriate looking by comparison. So, the sketch plan that's submitted was deliberately shown at the 25 foot. But then as Mr. Kocher pointed out, this averaging actually allows us to get even more in compliance with the character, maybe not so much the underlying zoning, so when we look

at the setback distances to the north and to the south, we actually came up with an average of 17 feet and some change, so we prepared an alternate plan that shows 18 feet.

One of the things that wasn't exactly clear though in the ordinance is does that then reset the setback for the parking. If we utilize this averaging for the setback and that sets the new front yard setback, does that also relate to the parking. And, I think that's something that we would welcome some discussion about tonight or that is something that we would certainly pursue with the Zoning Officer and the Township Engineer to further that interpretation. So on our alternate sketch plan that I have with us tonight, we can talk about how we still are showing the 25 foot giving some relief to that setback though would actually reduce the impact to the environmental and natural resources to the east behind our units. The other way in which we comply with the review letter and a potential alternate format is to reduce the number of driveways from 4 to 2 and then connect the parking lots in the rear.

Phil Malitsch stated a couple other thoughts while Chris is handing this out, when we put Chris on this project we felt it was important to respect the size and scale of the other buildings on Old Philadelphia Pike as well as the Township complex. And so, you can tell just by the way that the buildings are oriented, the narrowest side of the building is on Old Philadelphia Pike as opposed to rotating them 90 degrees where you have the long side on Old Philadelphia Pike. We felt that this way was more in keeping with the character of the neighborhood because you don't have a very ominous, long façade along Old Philadelphia Pike when you don't really have that any where else. So, we made it a point to orient the buildings that way intentionally. And, this is why the setback discussion is important because by keeping the buildings closer to Old Philadelphia Pike, that keeps it out of these environmentally sensitive areas that are important to the Township. But it also keeps them with that narrower dimension of the building more in keeping with the size and scale of the other structures that are on the road.

Haz Hijazi asked can someone explain the averaging for the setback, why is this being done?

Brien Kocher stated for a road and Old Philadelphia Pike is a perfect example that the houses built on Old Philadelphia Pike are long before zoning in general so they're all too close to the road. So, if somebody wants to build on an undeveloped parcel like this, rather than respecting the setback that would push it back and would actually look out of place along a road, the ordinance allows them to look at how the other houses are all set, come up with an average and then place the new buildings so they look like they fit in with the other buildings.

Jeff Schmehl asked do you guys have a wetlands study for this parcel?

Phil Malitsch stated the wetlands have been delineated and we're in the process of surveying, there's flags right now.

Jeff Schmehl asked so you're not sure exactly what you're working with?

Phil Malitsch answered no, but what we did is obviously we got a sketch from our environmental scientist that we shared with Chris and so the plan that's up on the screen now that Chris just passed out is respective of that sketch. It's not exact, but it's certainly closer than the original sketch plan that was submitted to the Township. And the main difference here, as I eluded to earlier is that you can see the prominent blue feature here, that is the stream corridor that was delineated through the site. So, in short, there's less wetlands and more stream after we delineated the site.

Craig Kologie stated I think I favor the alternate sketch over the initial one. I understand the orientation of the buildings and I think that makes sense. When I first looked at that, I was wondering if there was an opportunity to put some of that parking behind the buildings rather than between them. It might be more favorable for the residents as well to have some green space out in front of the buildings rather than asphalt on both sides. Did you look at that at all, the potential of parking behind the buildings?

Phil Malitsch stated we had to react pretty quickly to the Township Engineer's letter because we wanted to have something that was as much respectful of that as possible when we came here tonight. It's certainly something that we can look at. I think the limiting factor for us is the Township's environmental constraints with respect to the buffering, particularly off of any stream in the Township, it's 100 feet off of either side of the stream. And so, it's very particular to kind of flip back and forth between the two; but you can see how that buffer expands from the wetland to the stream corridor and I think we're at 15 percent. So, anything inside that dashed line which you can see is up pretty close to the eastern edge or at the bottom of the apartment buildings. We can only disturb 15 percent of that total area on the site. Now disturbance is disturbance so it's your point if there's an opportunity to move some of that parking behind the buildings as opposed to the side, I think that's something that we can certainly entertain. But we certainly can't move a large swath of disturbance behind those buildings because then we're pushing into those buffer areas.

Brien Kocher asked so do you think this sketch you handed out respects that 15 percent as close as you can tell now?

Phil Malitsch answered yes.

Chris Brown stated I did a rough calculation and it's just under it.

Craig Kologie stated and the only way to really maximize that area behind would be to orient the buildings.

Chris Brown stated right. We tried to illustrate what we would want to do regardless of requirement is really buffer the parking from the street side, really narrow it down to really what would be visually equivalent to a double wide single family home driveway. So, I think from the public perspective we can kind of maintain that character from the public view. It's a good point we're also going to look at softening up the environment for the residents as well with some trees and interior landscaping.

Chris Nagy asked your preference is the 2 driveways over the 4?

Chris Brown answered personally I think my preference is the 4. I think it's less pavement and I think it's very close to meeting the separation. We did spread things out a little bit so we're even closer to meeting the separation guidelines in the Township. I think it's unfortunate to have the additional asphalt in the rear.

Phil Malitsch stated the ultimate trade off on this site is anything behind those buildings is impacting the buffers, quite frankly, more than we would like to. We like the idea of keeping as much of this on the road as possible. And the way that we mitigate that, you know normally that's a scary concept. But, here it's all kind of broken up, we have small buildings and we have small

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parking lots. So, we think it makes more sense to have those 4 independent connections and alleviate that extra pavement behind the buildings.

Brien Kocher stated it's nice that they did that option for you so that you could see if we wanted to reduce the number of driveways to better comply with that section of the ordinance, how it would impact another section. So which layout do you like better, that's kind of what they're asking tonight.

Craig Kologie stated that is true, with those driveways around the back, now the buildings are completely surrounded by asphalt.

Chris Brown stated having the 4 as opposed to 2 or even 1, we're not going to have a lot of traffic, but it spreads out the load.

Jim Young asked what's your proposal for waste management?

Chris Brown answered that's a good question. Whether there would be interior trash rooms that were managed with a private hauler or if we had to do an outdoor collection, it would be screened and buffered in an enclosed area. The buildings are conceptual at this point. They mimic a square foot that would support the unit count that we're proposing and we deliberately tried to show articulated roof lines and varying facades in keeping with what the ordinance requires. And, quite frankly we would want to do any way for the reasons we've already described. But, it's purely conceptual, we're just getting into the architectural design following this meeting.

Chris Nagy stated right now it looks like about 2 parking spaces per apartment.

Chris Brown stated yes.

Jeff Schmehl asked have you built these types of buildings before?

Phil Malitsch said yeah, I think that there's going to be more attention here to the architectural elements, that's not something that personally since I've been at Tuskes, that I've experienced. But when we come back in with a preliminary plan it is a requirement that we present those types of documents for you guys. That's all part of discussion. My vision for this, when we started down the road here is that there may be a very similar product between 2 or 3 of these buildings but just by orienting them, flipping them 180 degrees maybe we have a different façade treatment on that side of the building as opposed to the other you know so it does look like independent products even though they're going to be the same on the interior.

Chris Brown stated yeah in changing the façade materials, colors, roofing, there's a lot of different ways we can build them efficiently and still maintain a lot of diversity in their character.

Haz Hijazi asked are they all going to be rental?

Phil Malitsch answered yes.

Craig Kologie stated I guess if they need more parking, they can just park in the lot over here.

Chris Nagy asked there is no street parking?

Chris Brown answered no.

Phil Malitsch stated but we do have frontage improvements, we haven't really talked about that. The Township ordinance does require the standard roadway frontage improvements, so we are proposing street trees, sidewalk and road widening along the frontage like you would have in any other typical development.

Craig Kologie stated it's great to have a sidewalk, but it's just there.

Chris Brown stated that comes up a lot. We can reserve the area and defer it to another time when it makes more physical connection sense.

Brien Kocher stated you should definitely have that discussion when you come back because it may really look out of place if you put that in there especially since this was developed without it.

Craig Kologie stated that's a good point.

Phil Malitsch stated we certainly will reserve the area so you have the ability to do it if it warrants it down the road.

Craig Kologie asked do you want some more specific direction on the parking arrangement now? Would that be helpful for you?

Phil Malitsch stated yeah, I think it's helpful for us. We have alternatives A and B here. We're kind of in a hybrid now. We like the smaller setbacks based on the direction that the Township Engineer let us in. But we like the concept of independent parking lots with independent driveways. We think that just makes more sense for the scale of the project.

Craig Kologie stated I think the smaller setbacks make sense to fit in to the neighborhood. I guess even all 3 don't even need to be the same setback. After discussion I think the less pavement is better and if there's more green space in the rear. That's my opinion.

Jeff Schmehl stated I agree with the smaller setback or the smaller front yard setback.

Brien Kocher asked I know you initially did your site capacity calculations but now as you finalize your environmental features, that can have a significant impact on the amount of impervious cover which you need to do early in as soon as you get that delineation.

Chris Brown stated agreed. And if we peel the parcel off fronting on 378, that's an acre right there that comes off the top. The unit count will definitely fluctuate, but we'll update that once we have all the info that we need. Same with the open space, we'll make sure that all the open space is present. I think given the fact that this property is practically half encumbered by natural resources, it makes some of the compliances are challenging I think even with open space. I believe you guys exclude the natural resources from the open space.

Brien Kocher stated you have to net the amount before you do your impervious cover calcs which really runs it down. We did have a development a couple of properties up with a range that went from Old Philly to 378 just like this did and there were a lot of challenges on that.

Craig Kologie stated they got a lot of relief on that project.

Brien Kocher stated they had to go to Zoning Hearing Board and they got a laundry list of relief. You seem to be trying to respect the resources. Their's was a little different because of the way the properties went and they had to get into the back. I'm not saying they did anything wrong, but it was a different layout.

Jeff Schmehl stated the note on here says possible underground stormwater management. Is there another option here?

Phil Malitsch stated no. Again, we're so hemmed in by the environmental constraints. We can't from a technical standpoint retain somewhere else and get a water quality credit for the development. So, we have to have our detention, our infiltration in the vicinity of our development. There's a very limited area to the left of the plan which would be to the south, between the wetlands and Old Philadelphia Pike that's really our open space area. That's kind of the area that's not in the road and not one of these environmental areas. So, if anything, we could try to get a basin or something in there; but, then it defeats the purpose of having the open space. I don't even know if it would qualify as open space at that point. So, we think it's not really economical but the most feasible to manage our stormwater here is under the parking lot and some kind of underground detention, irrigation or infiltration system.

Craig Kologie stated alright if there are no other comments, I guess that's about the best we can do right now for you.

### **C. ZONING ORDINANCE AMENDMENTS**

Linc Treadwell stated you have 2 proposed ordinances in front of you that make a zoning map and some text revisions. Both of these ordinances, basically the genesis of them was the comprehensive plan that was revised about a year and a half ago that suggested that some of the areas in the Township may be suitable for what you're going to see on these maps.

The first map you see is the Route 412 area south of Hellertown Borough. This first map currently in the Township Zoning Ordinance there's a GB-1 zoning district and there's a GB-2 zoning district. There are some differences at the moment between the 2 but when the Zoning Officer, Engineer, myself, Township staff and the manager looked at it, we kind of couldn't come up with a reason why we shouldn't just have one General Business district. So, what you see on this map here is just the existing GB-1 and GB-2 in that south of Hellertown Borough on 412 changing to GB. So, there's no different parcels on this map, it's just GB-1 and GB-2 going to GB. And the text portion of this portion eliminates the GB-1 and GB-2 districts and basically combines them into GB. So, if this ordinance passes, there will be just a General Business district with regulations for all General Business type uses.

Craig Kologie asked so we're not eliminating any uses, we're just combining everything?

Linc Treadwell answered no, just combining them, yep. So, if you go to the next map, Jim. Now this map then shows what it looks like if the ordinance is adopted. So the area outlined in red with the white interior is what is now GB-1 and GB-2 that would be GB. Can you go to 3, please?

So this is the Route 378 area; and, again the changes here are combining GB-1 and GB-2 into GB. As you can see with the 3 right blocks that tell you where GB-1 is now and it's going to GB, where

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GB-2 is now. There is a small corner down at the bottom of the map where the zoning is currently R-40; however, most of the uses in there now are business type uses so we just figured while we were making GB-1 and GB-2 into a general business district, we would add that parcel in based on what's there now.

Brien Kocher stated I would also note that we had some comments from property owners over the years that the regulations associated with GB-1 and GB-2 were so restrictive, it really wasn't possible to develop them. So, we looked at Hellertown's regulations, we looked at the City of Bethlehem's regulations and we suggested some changes to the setbacks and impervious cover that would actually allow these properties to develop commercially. Where your property owners had expressed concerns that it was very difficult to develop in the past, so if you want a commercial area, you got to have the regulations that go with actually allowing it to be a commercial area.

Linc Treadwell stated and some of these comments also came from a couple years ago when we had the economic development committee and the idea of trying to develop and/or redevelop this corridor kind of with commercial uses that make sense. Because if you drive up and down it now, there's kind of a hodge podge of different stuff. So, creating this one GB district and then creating some new regulations so that actual things could be done with them was part of the economic development concept.

So then if you go to exhibit 4, Jim. Again, this shows what it would look like if the ordinance was adopted. So the areas outlined in red with the white interior would all then be General Business district zoning.

And then finally in this ordinance, this is the area out along Easton Road and it's currently zoned R-40. It's separated by, to the left and kind of up where you see the City of Bethlehem, that's where Easton Road is, down on the right hand side and below is I-78. So you have this kind of oddly shaped strip of land that is currently zoned R-40 right now. And the proposal would be to change that, that's a typo up at the top, it's R-40 to LM not GB. You'll see that on the next page.

So there is the LM which is your light manufacturing zoning district. So the proposal, and we had a couple of meetings where there were some property owners who owned property in this area, right across the street where the City of Bethlehem is is a bunch of industrial type stuff. So, there were some property owners that had expressed an interest in maybe they didn't really want to live in houses there anymore and maybe it would be better if it was rezoned so that it could be you know something that's compatible with what's across the street. So the proposal would be to change that oddly shaped area to light manufacturing and in the text portion of this ordinance, we also took some of the general business uses and added them into LM so that there was more of a flexibility as to what you could do with LM. So if you kind of look at the hierarchy of the zoning, after your general business comes the light manufacturing, then comes your industrial. And, we thought that it would make some sense to kind of promote, again the economic development idea if we put some of the GB uses and allowed them in the LM district because there's really no reason why you wouldn't want to have some GB uses in that district. There's no reason to not have them there. So that's the proposal that you see in front of you for the first ordinance which is 2023-01.

Jeff Schmehl asked in this area that you now have marked as LM, are there existing homes in there?

Linc Treadwell answered there are existing homes, yes.



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Jeff Schmehl asked so what stops somebody, if this gets rezoned, from putting a warehouse next to an existing home there?

Linc Treadwell answered well I think the lot size that's required for a warehouse. As some prior Council meetings, we have had property owners and someone who was trying to buy all the properties from the property owners to combine them all together to create a cohesive looking development. So, I don't see a lot on there that's big enough by itself to support something like that.

Tom Carocci stated Jeff, the property owners have been quite vocal over the years. They really got screwed by the City of Bethlehem, they built the warehouses there and the truck traffic. Most of them have at least verbal offers for over appraised value of their properties. You can see none of them came here tonight and they used to come to Council meetings. It's my general opinion from talking to a lot of these people and hearing from them over the years that the residents are for this. I wouldn't say every one. I think there are 29 or 30 houses.

Craig Kologie stated there's probably a home on most of those smaller lots. Is the ballfield out there, is that one of the larger lots?

Tom Carocci answered yeah, the ballfield is out there.

Brien Kocher stated you can see the one road that comes in right below LM there, that's Mockingbird Hill and the field is right next to it.

Jeff Schmehl stated I just would hate to change this and feel like I'm screwing one of those homeowners.

Tom Carocci stated I know. I just think, not that the scenario you mentioned could happen, but I think it's fairly unlikely from what I've heard from those residents out there. Most of them want out, their property value has been really depreciated by the warehouses. The City of Bethlehem didn't care about them when they allowed all this to go on.

Chris Nagy stated so the rezoning increases the property value and gives them the option to sell; but, if anybody wants to stay there it's kind of pushing them out because now you're going to have it across the street and next store.

Linc Treadwell stated it's not obviously it's not a simple decision. You leave it like it is is what it is. Houses and can't sell if for anything else. If we change it there's the possibility that yeah there could be one or two property owners there who don't want to sell and are going to be living there. That's one of the difficult decisions that the Township needs to make one way or the other.

Tom Carocci asked does anybody from the public live in this area that's going to be rezoned?

Ginger Petrie stated that she lives at 2626 Redington Road and has a question. If you go ahead and change it to this zoning, are their individual taxes going to change when the zoning is changed? That's just a question that I am curious about.

Linc Treadwell stated we're not tax experts; but, the answer is not. The zoning doesn't change, it's the use. It's the use of the property.

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Ginger Petrie stated so basically they are keeping their homes as they are, all that will stay the same.

Linc Treadwell stated correct.

Ginger Petrie stated so this will only benefit those that want to group and get rid of it. That was just a question I had. Thank you .

Tom Carocci stated if these people sell and there's light manufacturing built there, they'd have to get permission and then the County would reassess the property. The County would reassess the property if there were some type of warehouse or business on there and the tax revenue to the Township, School District and County could go up at a reassessed higher value. That wouldn't happen until it was pretty much completed.

Linc Treadwell stated yeah, it's the use. It's whatever the use is.

Craig Kologie stated that I think the zoning change would encourage or make it more likely that somebody's going to buy more than one property to do it because you're not going to be able to do it on just one of those actual properties.

Tom Carocci stated I think we're giving these residents, and they deserve it because of what the City of Bethlehem did to them, we're giving them some leverage. If they choose to sell their house, we're giving them some leverage with the zoning and I think they deserve it because how the City of Bethlehem treated them when they allowed all that to go on across the street.

Chris Nagy stated I think there'll be like 1 or 2 people that'll probably not be happy with this move if foreseeing that everything's going to be changing. But it does raise their property values, it does give them an option to sell and find something else.

Craig Kologie stated yeah, options they don't have currently.

Tom Carocci stated you may be right there may be a couple of residents that aren't happy with this. But I'll just tell you from someone that has to attend a lot of public meetings, Council, Planning, EAC, they don't show up at meetings saying they're unhappy about this. We first talked about this in Council, when, in December?

Linc Treadwell stated this rezoning was discussed back in November and December; but, the people coming to the meetings was probably 2 years ago.

Jeff Schmehl asked but the people who were coming to the meetings were for the rezoning?

Tom Carocci answered correct. I don't recall anybody coming to a meeting and being upset about the rezoning. Now, it doesn't mean they're not out there, I'm just saying they don't come to the meetings.

Linc Treadwell stated when we have the public hearing on both of these proposed amendments which is scheduled for March 22<sup>nd</sup>, all of these property owners got notice in the mail with the map saying here's where you are now, here's what the proposal is. So, there will be an opportunity, and I think Jim can tell us that some people have called already asking questions.

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Tom Carocci asked what were the nature of those calls?

Jim Young answered the majority of them were over on the 412 corridor; but, I did field a few calls from here and the people that I spoke to were for it.

Craig Kologie asked so we should act on these individually, right?

Linc Treadwell stated yeah, individually. All you need is a recommendation to Council as to whether you recommend adopting it or not.

Craig Kologie asked does somebody want to make that motion?

**MOTION BY:** Haz Hijazi moved to recommend to Council the adoption of Ordinance 2023-01.

**SECOND BY:** Chris Nagy

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Woosnam)

Craig Kologie stated okay moving onto Ordinance 2023-02.

Linc Treadwell stated this one is a little bit complicated in terms of what's changing, but it's only in one area. So, this is the south of 412 area again. So, you'll notice in the middle of this map is the area that the first ordinance would change to all GB. This zoning map amendment would take some of the area that's around 412 as it leaves Hellertown and goes in the other direction and change more of the properties to GB. And, like I said earlier, this is part of the comprehensive plan that was reviewed and adopted that recommended that the 412 area should probably have some more commercial to it. So, this map is a little complicated because it shows you everything that's changing. If you go to the next one Jim, that's a little bit easier to see what it would look like if the ordinance gets adopted. So, you see 412 in the middle there and then it's basically both sides of 12 as you go out creating a commercial type corridor. And that area of R-12 that you see at the top with the red cross hatching, that was our mobile home park district, but as we went through this and looked at the zoning around it, we decided that we really don't need the mobile home park district any more. That can be R-12 just like the area to the right of it and next to it. So, as you can tell it creates this commercial corridor as you come out of Hellertown on 412 on basically both sides of the street until you get out kind of to the end of Reading Drive.

Craig Kologie asked was there any thought including some of those larger parcels in the R-20, within that area?

Linc Treadwell answered in the comprehensive plan it kind of tapered down as you came out of Hellertown and I think some of those parcels on the right there in the R-20 that you're talking about, I think they all have residential houses on them.

Jim Young stated they're all residential houses and there is an old cemetery there.

Linc Treadwell stated so as we looked at kind of what's on them now, this is kind of how it made sense to draw the new line.

Chris Nagy asked the MH area, there's no mobile homes on there now?

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Jim Young stated there's a few mobile homes, but mobile homes are still considered single family dwellings. It was organized back in the day for a mobile home park and we don't have a park. So, a lot of them have been converted over to single family dwellings.

Chris Nagy asked is that going to change for them?

Jim Young answered no.

Linc Treadwell stated the one thing that Brien called me today and we discussed was we might need to make a change the next time we do a zoning ordinance change and we have some other things that need to be cleaned up in the zoning ordinance. So, it shouldn't be too far down the road. But what we don't want to do is create a non-conforming lot and structure for somebody and penalize them in any way. So, we're going to look at at the next staff meeting, maybe next week, we're going to look at writing some new language so that somebody who's in an existing house today that gets changed to GB, that would become a non-conforming use but we're going to allow them to expand that by a certain percentage, maybe 25 or 35 percent by right so that they're not penalized by anything that happens.

Jim Young stated because currently now any expansion of a non-conforming use needs a special exception.

Linc Treadwell stated right and you have to go to the Zoning Hearing Board and that's not fair and we get that, so the idea would be to create some kind of reasonable number that you can expand your existing house without having to go through any of those steps.

Craig Kologie asked is that our only mobile home park district?

Linc Treadwell stated it is. It's the only place we have MH but the R-12, the lot size is the same.

Craig Kologie asked and you don't feel that we're at any kind of risk for any kind of challenge without it?

Linc Treadwell answered no, because it's the lot size that governs it. What you call it, you can call it whatever you want.

Craig Kologie asked are there any comments? Well, hearing none, I'll move that we recommend adoption of Ordinance 2023-02.

**MOTION BY:** Craig Kologie moved to recommend to Council the adoption of Ordinance 2023-02.

**SECOND BY:** Jeff Schmehl

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Woosnam)

#### **IV. MICELLANEOUS BUSINESS ITEMS**

##### **A. APPROVAL OF MINUTES – JANUARY 26, 2023**

**MOTION BY:** Jeff Schmehl moved to approve the January 26, 2023 Planning Commission minutes.

**SECOND BY:** Craig Kologie

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Woosnam)

##### **B. DISCUSSION OF MEETING PROCEDURES**

Tom Carocci stated I asked for this to be on. We don't really have any formal meeting procedures, at Council we do. We have a 3 minute public comment. All of us volunteer our time, myself included, I don't take any money for serving on Council or for serving on Planning. I think this has worked excellent at Council, 3 minutes is a long time and it also forces people who do want to make a public comment, I've noticed, to kind of write it down, they think about it before they come. I think a lot of times in years past before we had this rule people would come and kind of just wing it. Whereas, they prioritize what they want to say and they say it in a precise way. It's not a hard 3 minutes at Council. You get 3 minutes and then the president of Council, or if we decide to adopt a 3 minute rule, the Chair, Craig, can grant an additional 2 minutes on his own in his own judgement if you deem that the person at the podium needs to be heard for another 2 minutes. That gets the person 5 minutes. After 5 minutes, and correct me if I'm not saying this right, after 5 minutes if the individual still requests more time, at Council meetings, the whole Council can vote to grant the person more time; another 2 minutes, 3 minutes, 5 minutes or whatever Council votes for. The majority of Council votes to grant them additional time after the 5 minutes, they have the additional time. If the majority votes against it, then it ends at 5 minutes. So, I would like us to adopt a similar rule, you know it's not hard and fast, there are exceptions. And, it certainly doesn't apply to anybody presenting anything to us. This is just a public comment and I think it's worked at Council level because the individuals that come and speak are prepared. They're prepared to speak and they're prepared to speak in 3 minutes and they get their points across concisely and efficiently and they're heard. That's my only thing is I'm presenting it if you guys would like to adopt that rule, that's my recommendation. But, if you don't that's fine too.

Jeff Schmehl stated I'm for it. I mean we're not trying to shut anybody down here. If somebody is making a valid point and we want them to continue because we need to hear it, that's fine.

Tom Carocci stated Craig can grant an additional 2 minutes without discussion amongst us and then after 5 minutes then it has to go to a vote and the vote will be for a time, 2 minutes, 3 minutes, 5 minutes, whatever. I think it's reasonable. And, Linc, this is what Council does and it passes a constitutional muster as our Pennsylvania and US constitution.

Linc Treadwell stated no, it's perfectly fine under the Sunshine Act. There are a lot of municipalities that have a 3 minute rule, there are some that don't; but, there are a lot that do. And, if you vote to do it, you can certainly vote to do it and implement at your next meeting and we'll probably bring you some kind of resolution to adopt as a Planning Commission saying that this is what you want to do. If you don't, you don't.

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Haz Hijazi asked obviously nobody likes to stay any longer than they have to, but, if somebody is presenting their point of view and if they've taken a longer time, can the chairman kind of try to tell them hey, can you wrap it up, can we just move on, can somebody else come up?

Jeff Schmehl stated that's the 3 minute rule.

Haz Hijazi stated no, I mean without the 3 minute rule. If we don't implement the 3 minute rule. The issue or concern is somebody could come up and be taking their good old time and maybe not focused on the topic that the 3 minutes will force them to. What if we stay without the 3 minute rule and if somebody is expressing their opinion and we find out that it's 5 minutes or 6 minutes. Could you at that moment tell them okay we need to move on?

Tom Carocci stated at the last meeting which I know you weren't at, we had an attorney who wasn't a resident that thought he deserved more than 3 minutes, he thought he deserved unlimited. Some of the residents as well we did have to ...

Haz Hijazi stated I understand and when there's a controversial topic and people are coming to express their opinion, we could be here until midnight and you may not finish your business. The only concern that I have is is if somebody, and I've heard it from people and residents when Council passed it, found out there was a little bit of negative reaction. And, you can understand if somebody wants to come in and express their opinion that's the only forum that they have. Could we make it longer than 3 minutes?

Jeff Schmehl stated we can grant more time, so if there's a 3 minute rule he can grant 2 more minutes and then any more time would go to a quick vote. And if everybody feels like there's something that needs to be discussed and keep being discussed, then we'd all vote on that.

Haz Hijazi stated why don't we flip it and leave it without the limit and then if they go over, let's say, 5 minutes then the chairman can tell them hey we need to keep going.

Jeff Schmehl stated then that's a 5 minute rule.

Tom Carocci stated I'm not tied to 3 minutes, if you guys want to do 4 minutes or 5 minutes, I'm fine. I am for some type of limit before Craig can allow more time. I just think 3 minutes is a long time and 4 minutes and 5 minutes is a long time that's fine. Most people can't speak that long on one of these points without repeating themselves multiple times. If I had to speak on one of these ordinances tonight, I'd have a tough time speaking for 3 minutes without repeating myself on one of them. If you'd put me to the test right now, I'd be at a loss.

Chris Nagy stated it's also an opportunity for them to just express their frustration; so, you want to give them enough time to do that. When you're cutting people off that gets kind of, we don't want to give that impression. We want to give the people enough time, 3 minutes or 5 minutes. If they're going to sit up there for 10 minutes then they're really repeating themselves.

Craig Kologie stated maybe 5 minutes, rather than interrupting them and then say you can have another minute. Maybe just give them 5 minutes because I think to your point Tom, I think somebody that would talk for 5 minutes about something, that's a lot to say without saying things twice.

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Chris Nagy stated yeah, at 5 minutes it's kind of understood that you've now exhausted your point.

Haz Hijazi stated you're missing my point which is let them speak but when you start realizing if someone is repeating their point of view after 2 minutes you can just tell them okay we've heard it can we move on. I'm not saying have a limit; but maybe it's 2 minutes or 5 minutes or 10 minutes, I feel if the chairman feels that there is repetition then the chairman can move in and say okay thank you we've heard, can we move on.

Linc Treadwell stated I think, and I've seen it happen, that there is the potential for someone to speak for 5 minutes and when you ask them to stop they say no you don't have a rule, I don't have to stop. It's public comment and I can go as long as I want. And it's hard, then you have the chairman and the person speaking in a fight. But, like I said before, there are municipalities that don't have a rule at all.

Tom Carocci stated that there are some that have even less than 3 minutes.

Chris Nagy stated this isn't something that's going to happen often. This is going to be very rare that we're discussing a topic ...

Tom Carocci stated I agree, I think it will be rarely used. But again it's just my recommendation. You know like I said we're volunteers, our staff is here late at night and I think there's nothing wrong with having a rule and how strictly that's enforced by Craig is up to him. I have 100 percent trust in him and his judgement in this.

Chris Nagy asked can you word it in a way where you say that a person will give a reasonable amount of time and at 5 minutes or at 3 minutes that he has the right to say close the argument you have 30 more seconds or whatever it is and not being so strict with a counter sitting that they're staring at trying to get their words in.

Tom Carocci stated I don't have a problem with that, you know when Craig decides 3 minutes has gone by that he can ask the person to, you know you have another minute to finish up or something.

Chris Nagy stated or somebody else on the Board can mention it that this person is repeating themselves. You're going to end up getting that same space.

Craig Kologie stated it's just a consistent way.

Tom Carocci stated it's one person being consistent on how he's dealing with what's going on. It can be worded like that. Let the 3 minute mark to be a recommendation from the chair about how much time to allow and say can you please wrap it up in another minute or two. That gets you to the 5 minutes any way.

Craig Kologie stated I think it might be easier for the public to deal with if we had the same policies that Council has. Then they're just dealing with it the same way that Council is dealing with it.

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Tom Carocci stated it does allow for extended time if the person has a lot of points to make. It allows for 5 minutes which is a lot of time and then by Council vote, it allows for basically unlimited. I mean Council can say yeah we'll give him another like 10 minutes.

Craig Kologie stated number one do we think we need some type of policy in place?

Jeff Schmehl stated I don't have a problem with it. I don't have a problem with the 3 minute rule, the 2 minute extension and the vote for more time.

Tom Carocci stated you don't need a policy in place until you need a policy in place.

Craig Kologie stated I will admit at the last meeting I wasn't the best at keeping the 3 minutes; so, if somebody was saying something valid and they're making a good point, I will let them continue.

Tom Carocci stated sure, and then up to 5 minutes.

Chris Nagy stated it's not something you're enforcing all the time, it's just something with certain situations. It doesn't matter to me either way.

Tom Carocci stated call it a rule or policy, it's just a meeting procedure. It's just a procedure of our meetings that there are going to be some time constraints if necessary. If we do have a meeting where 40 or 50 people show up like last time, if someone gets up in the beginning and talks for 20 minutes, there's people who are waiting that want to get their frustrations off, Haz to your point, and now they have to wait, they may have to wait 2 hours and maybe they have to go home for child care or anything. I usually have to go home for child care and I usually can't stay past 9 o'clock.

Tom Carocci stated I'll make a recommendation that we have the same rule as Council and let's see how it goes. We can always revise it if we have to. But it's just in the interest of having a policy in place.

Chris Nagy stated so Council does the 3 minutes, then 1 additional minute and then 2 minutes and then a vote.

Tom Carocci stated it's 3 minutes, 2 additional minutes by our Council President, but in this case it would be our Chair, Craig, and then additional time by vote of a majority of Council for whatever time limit they then want to put on it. Another 3 minutes, another 5 minutes, another 10 minutes, whatever. That's undefined, they can do whatever the motion is.

Craig Kologie stated I think if we do it, I think it's best to be consistent so people know what they're dealing with.

**MOTION BY:** Tom Carocci moved to adopt the same meeting policy as Council to limit speaking to 3 minutes with a requested additional 2 minutes and additional time allowed by a vote of the majority of the Planning Commission.

**SECOND BY:** Jeff Schmehl

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Woosnam)



V. **PUBLIC COMMENT/CITIZEN NON-AGENDA ITEMS**

Craig Kologie asked if there's any public comment?

Mark Ozimek stated my name is Mark Ozimek. I live out on Redington Road, you know where the dump stinks, you know. Any way, I think Mr. Treadwell got his information mistaken because Bethlehem, Easton, whoever else, they'll run a 5 minute rule, not 3 minutes. You're wrong, I was there, I spoke, I watched the clock. So tell the truth, period. And on top of it, you don't need a time limit. You know what, you guys are pretty good, the four of you over that way. These two cause trouble. I don't know what they do with you off the books or wherever you are; but, I kind of dig you guys. Listening to these two is ridiculous. And he spent more time trying to get you to adopt a 3 minute rule that probably took 15 minutes. I'll let you know when I do the recording at home. So, no you don't need a time limit. What you need to do is cooperate with your constituents that are up here bitching or complaining or giving you ideas and participate with them. That would get their point across, you understanding more and they wouldn't have to rush through it. You could take that for whatever it's worth; but, that's my outlook. And as far as 3 minutes not being a lot of time, 20 years in jail is considered a life sentence, just like putting up with 20 years of the dump and the smell. You don't get it do ya? But you want to keep control on everybody else, that's your 3 minute rule. If you do anything, you do like every other Township around here and make it 5. Easton granted her 5, up to 20 minutes they listened to her last night. Bethlehem granted other people the same thing when we were at their Council meeting the other night. They're not a bunch of douche bag dickheads, they listened and they care.

GAVEL

Craig Kologie stated okay, motion passed.

Ginger Petrie stated I'm Ginger Petrie, 2616 Redington Road. All I wanted to say was it's actually very refreshing that you don't have the clock and the buzzer and the rule. That's all I wanted to say. It's very difficult sometimes for everyone to get their points across in the 3 minutes. The 5 minutes that we have experienced at the other Councils are actually a little more relaxed and a little more pleasant for the person that's standing instead of talking at 100 miles an hour. But what's nice about this particular group of people is that you actually have some interaction back and forth with your people and there's questions that can be asked and answered. And, we do respect that. So, I want to thank you for what you have done in the past. That's all.

Janie Hecker stated I'm actually not going to speak about your 3 minute rule although I do not agree with it. I was on our School Board. My name is Janie Hecker, I'm at 1425 Colesville Road. I served on the Saucon Valley School Board for 8 years and we had no time limit rule on people speaking. Believe me we faced some pretty angry people at a lot of meetings and managed to get through without a 3 minute rule. So, that's enough said. Why I'm here is because I got letter 2 days ago that my zoning is being changed and I just have some questions about it. It was one of the maps that you had up there. I'm where 378 and Colesville Road meet, there's a little strip there that was residential and now it's being moved to, I don't know what it's being moved to. I actually had a call in to you today.

Brien Kocher stated yeah, and I forwarded it onto, your message, to the Township Manager.

Linc Treadwell stated she said 378, Jim, so look for Colesville and 378.

Janie Hecker stated it's that strip that is now pink because it is residential and now it's moving to ... I'm one of those two little boxes there right in the corner.

Linc Treadwell stated okay so that would now be general business.

Janie Hecker asked so what would be allowed there? Because it had another designation that I didn't understand.

Linc Treadwell stated the other designation was R-40 which was residential.

Janie Hecker stated no, no. When the arrow went up and it had a box change area to GB, 18.76 ac. What does all that mean?

Linc Treadwell stated that 18.76 up at the top of that map is the acreage, but that's not where you property is. Your property is down at the bottom.

Janie Hecker stated okay, I'm sorry. It is the 9.07, that's the acreage.

Linc Treadwell stated that's 9.07 from R-40 which is residential one acre minimum lot size to General Business which would allow anything that's allowed in the general business district, commercial type uses. It doesn't mean you can't have your house there, you can have your house there.

Janie Hecker stated well it is there. You're not taking it away from me, are you?

Linc Treadwell answered no, no we're not.

Janie Hecker asked are you sure?

Linc Treadwell answered positive.

Janie Hecker stated I don't have an acre.

Linc Treadwell stated well it is what it is now.

Janie Hecker stated well this is my statement to you. Has anybody actually gone out and looked at that piece of property?

Linc Treadwell asked in terms of physically seen it?

Janie Hecker stated physically seeing it.

Jeff Schmehl stated I wasn't here on the committee then, but I did hear from the committee that looked at all these properties to make these recommendations and I believe they looked at it. So, we're kind of basing what we're talking about today off of their recommendations.

Janie Hecker stated well I suggest you go out and look at it.

Brien Kocher stated there's a lot of drainage that goes through there.

Janie Hecker stated right now it's pretty much wooded. I mean I'd love to have it stay that way because I think we don't have enough of our wooded area. We're losing it. We lost all that, it's in Upper Saucon, we lost all that property down below, it's now all housing. There's some woods but not a lot. And this woods would be behind me, we'd lose that. It's not a good deal. I don't honestly know how many businesses you could fit within that particular area you're moving. I mean there was a business there on 378 in a smaller building. So you probably could put some along there, but I don't know how much and how far you'd want to go back. And actually if you start moving it back up against that neighborhood, that would really change the tenor of that residential area.

Brien Kocher stated the natural resource protection portions to the ordinance still stay even though it's general business. It might be advantageous to one of the frontage properties to get that property and use it to help build the frontage and take credit for the natural resources that are on that piece. That may be it eventually gets used.

Janie Hecker asked what are you saying lot 378?

Brien Kocher answered yeah.

Janie Hecker stated because the other problem is you have a very bad intersection at 378 and Colesville Road. There really should be a light there. We have been fighting for a light, unfortunately we can't get it because it's Upper Saucon Township. And they don't really care.

Tom Carocci stated it's a state road too. Doesn't the state have to sign off on that as well?

Janie Hecker stated well, we can't get movement on it, okay. To go out of my house, if I want to go south, I have to go all around the development and go up Tickle Belly, I call it Tickle Bell Road, and take the light there. If I want to go north, I can go out there and I can turn by the bank, not a problem.

Tom Carocci stated I know, I think there should be a light there too. I try to cross that road fairly often from the other side. There should be a light there, but it's in Upper Saucon Township and it's a state road. I'm not sure what we can do about it beside write a letter and ask for one.

Janie Hecker stated I don't know either. For years we've been trying to figure out what we could do. The other issue is with that new development across the road, there's a water problem which has been attempted to be addressed twice already. And every time they address it when we get a rain storm, it gets worse. The road floods. So, there's water going through that property, there's a lot of stuff there. There's a sink hole in that property. So, that's why I'm saying I think somebody needs to physically look at that property before you determine what you really want to zone it. Thank you.

Craig Kologie asked is there any other public comment? Hearing none, do I have a motion to adjourn?

**VI. ADJOURNMENT**

**MOTION BY:** Tom Carocci moved to adjourn the meeting at 8:47 p.m.

**SECOND BY:** Jeff Schmehl

**ROLL CALL:** 5 ayes – 0 nays – 1 absent (Woosnam)

Submitted by:

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Craig Kologie, Chairman