

**TOWNSHIP OF SALISBURY  
LEHIGH COUNTY, PENNSYLVANIA**

**PLANNING COMMISSION  
MEETING MINUTES**

**7:30 PM  
JUNE 8, 2010**

A Regular Meeting of the Planning Commission of the Township of Salisbury was held at the Township Municipal Building located at 2900 South Pike Avenue, Allentown, Lehigh County, Pennsylvania. Present were Commissioners Schreiter, Hassick, McKitish and Beck. Also present were Mr. Tettermer, Township Engineer; Attorney Ashley, Township Solicitor; Mr. Soriano, Township Manager; Ms. Sopka, Director of Planning & Zoning and Mr. Jeremie Schadler, Alternate Township Engineer. Commissioners Licht (excused absence), Hebelka (excused absence) and Snyder were not present.

**CALL TO ORDER**

Mr. Beck called the meeting to order.

**APPROVAL OF THE MINUTES**

On motion of Mr. McKitish, seconded by Mr. Hassick, the Planning Commission voted 4-0 to approve the May 11, 2010 Planning Commission Meeting Minutes. Mr. Licht, Mr. Hebelka and Mr. Snyder were not present for vote.

**1860 East Emmaus Avenue – Crossroads Baptist Church**

Present were Pastor Gary Becker and Mr. Bob Hoppes, Engineer and Surveyor.

Mr. Tettermer highlighted the Township Engineer's review letter dated June 2, 2010, and recommends engineering approval of the Plan.

Ms. Sopka highlighted her review letter dated June 1, 2010. She stated that all items in her review letter have been addressed except for Item #4, the requirement that any lot including more than 25 parking spaces shall be required to provide landscaped areas within the paved area. She referenced SALDO, Section 27-603.8.D (1 through 5) which gives a specific design and it should be referenced on the Site Plan. Mr. Hoppes stated that they would comply.

A small discussion continued as to any existing trees, contiguous parking spaces and design relative to the requirements of the Zoning Ordinance.

**A motion was made by Mr. McKitish, seconded by Mr. Schreiter, the Planning Commission voted 4-0 to recommend approval of the Crossroads Baptist Church Land Development Plan subject to compliance of the Township Engineer's letter dated June 2, 2010, the Zoning Officer's letter dated June 1, 2010 and any other conditions set forth by the Solicitor and compliance with the State, Federal and Local Municipal requirements. Mr. Licht, Mr. Hebelka and Mr. Snyder were not present for vote.**

**3109 Birchwood Drive – Major Subdivision/Final Land Development**

**Continued from May 11, 2010, a Final Land Development of Parcel #640531577120 incorporates 15.4 acres of land in the C-R, Conservation-Residential Zoning District, for the subdivision of residential properties.**

Present were Mr. Erich Schock, Counsel from FitzPatrick, Lentz & Bubba, Mr. Kevin Markell, Engineer from Barry Isett & Associates and Mr. Bruce Uhl, Owner.

Ms. Sopka highlighted her review letter dated June 8, 2010, which is also in response to the received correspondence dated June 3, 2010 from Barry Isett & Associates and FitzPatrick, Lentz & Bubba.

Ms. Sopka referenced the following items that have not been resolved and discussion continued.

1. Item #3, USGS Topographic mapping indicates potential for watercourses on the southern portion of the site and is open for discussion.
2. Item #5, the lot layout shall be graded to prevent cross lot drainage and provide positive draining away from building areas and “on-site” sewage disposal facilities have not been resolved. Two level spreaders appear to have potential to discharge flow towards adjoining property owner’s drainage fields. The developer needs to document property owners consent through easement, right of way, access, repair any erosion or damages that may occur in the near future and other acceptable documentation. Ms. Sopka stated that she has concern over the potential increase of storm water towards septic drain fields of two surrounding homes. This item has not been resolved.
3. Item #9, natural features to be shown Plan, a note should appear on the Plan indicating the absence of these features. Per Barry Issett & Associates correspondence, it appears there is a natural feature of a ground water seep with discharge onto Mr. Uhl’s property. She stated that this information was not conveyed previous or during the Preliminary Plan reviews. This area was reviewed by the Topography of USGS and incorporates the potential of a natural drainage area, and their June 3, 2010 report indicates that the drainage does flow at least 80 feet into Mr. Uhl’s property; therefore, the Site Plan needs to be amended to incorporate this information.
4. Item #10 relating to Item #9, protecting the natural features including natural drainage channels.
5. Item #12, SALDO 10.4.2 and Item #13, SALDO 10.4.5, remains unresolved with respect to the conformance of the design criteria of the street to the standards set forth by SALDO.
6. Item #17 is a concern of the 1500 S.F. footprint of the house relative to storm water calculations and discussion continued.

Ms. Sopka addressed Item #18, SALDO 5.3.2, which is based on the information from Barry Issett & Associates correspondence of June 3, 2010, stating that the evidence of seepage from a spring seep originates on adjacent property and is visible on the Uhl property for a distance of 80 feet down slope of the southeastern boundary of the Uhl property. This information was not mapped or delineated as required by SALDO.

Mr. Beck opened the floor for **public comment**.

**Mr. Mike Segal, President of the Little Lehigh Valley Watershed Coalition** stated that he reviewed the Plan and noted many concerns. He has reviewed the area through his career and is speaking from history. In regard to the ditch checks, they act as small sediment basins/traps. There is no E&S control. Mr. Segal explained how they work and what issues can occur during the winter months. If they fail, the level spreader will get contaminated and roadside swales will occur if they are not stabilized, in that, will damage the road.

Mr. Segal spoke of the 1,000 foot long road extension from the cul-de-sac. He stated that is it unfair to the residents of the Township to accept this road dedication because it will be costly to maintain. He indicated that extending the road could result in serious stormwater problems because of the natural

drainage channel that flows in this area (as noted on the Quad Map). Once the road is constructed, it will cut off the drainage; therefore, it will flow with the road instead of straight across into adjoining property.

If the cul-de-sac is removed and constructed to an original road, the developer should be required to receive easement approval from the surrounding home owners to restore the road. If considered, the Township should obtain snow easements for snow removal because of the possible issues that could arise from frozen water on the road, the freezing of level spreaders and surface water problems. Mr. Segal stated that the Township should check the DEP regulations.

Mr. Segal noted that the Conservancy property is located on the other side of the road. He inquired if there will be easement issues in that area and who owns the rights because an old logging trail is there. He inquired if there will be a tree inventory, tree clearing and tree replacement, noting that this is critical because of the seepage beds and infiltration beds being so close to the septic fields. He stated to check DEP regulations for clarification.

Mr. Segal continued, stating that per the LVPC under ACT 167 Plan, the developer is required to get permission from the property owners downstream since they will receive discharge from the level spreaders.

**Ms. Janet Keim of 11 Pine Street** expressed concerns and questioned how many years passed since the Development Plan was first submitted. Attorney Ashley explained there was a time delay because the case was in court for the cul-de-sac issue which needed to be resolved before they could continue. Attorney Ashley clarified there is a five year period for final approval.

**Mr. Kevin McNally of 3113 Birchwood Drive** stated that his property is located on the downhill boarder of Mr. Uhl's property and expressed concerns about the water runoff and onsite septic tanks. Mr. McNally indicated that Mr. Uhl has an existing septic issue that has been in failure for years and can smell the septic tank odor on his property Mr. McNally believes this should be taken into account. Mr. McNally also stated that the extension of the cul-de-sac will make his property non-conforming and devalue his property.

**Mr. David McGuire, Representative of the Sierra Club of the Lehigh Valley** protects streams and water quality. He spoke of South Mountain's natural water features and stated that it is a reservoir of plants and animals. The Joint Planning Commission of the Lehigh Valley has identified South Mountain, in its totality, as an exceptional value to this region. Mr. McGuire spoke of the possible consequences and the impact of its natural resources, stormwater runoff, the natural diversity inventory (PNDI) and impacts on streams and wet land analysis. He stated that the State Guidelines indentify and have recorded date of South Mountain.

**Ms. Jane Benning of 3111 Douglas Road** questioned the liability incurred by the downstream neighbors who have more stormwater drainage on their property. She questioned when the last NPDI study was done and Ms. Sopka advised that it was resolved and provided in 2008.

**Mr. Wayne DeAngelis of 2839 Dewalt Street** is opposed to the development as his property will receive negative impact. He requested that the Township help protect this area. He stated that the report from the Conservancy is still being worked on but hopes the documents will be provided soon.

**Mr. Kent Baird, Director of Conservation and Planning at Wildland's Conservancy** stated that they are available for any guidance and continuing discussions to help with solutions in protecting natural

resources. He stated that the Conservancy has much interest in purchasing properties to add to the preserve.

Ms. Sopka summarized elements associated with seeps and wetlands, with the information provided by the Conservation District, on the DeAngelis property. Mr. Beck stated that the Conservancy is very concerned and inquired if the City of Allentown gave any approval for this development as their property adjoins the Township and if not, they need to be advised.

Mr. McKitish inquired if they have the option of not accepting the dedicated road because he does not want the Township liable for any damages that may occur in the present or future. Attorney Ashley stated that if the Municipality does not accept the road, it would remain private and the developer must make arrangements for the maintenance of the road.

Mr. McKitish referenced comment #5 of the Zoning Officer's letter and inquired if the developer received consent from the downstream property owners. Mr. Schock stated that there is a common law easement, therefore they have not.

Mr. McKitish spoke of the calculated flow rates based on total impervious surface (the size of house) and inquired if the developer would put a covenant in the Deeds and on the Plan, as to the exact size in the calculation which would not allow any decks, sheds, etc. The discussion continued and Mr. McKitish stated that his concern is exceeding the impervious surface and the impact on downstream properties.

Mr. Markell stated that the design for the stormwater control permits flexibility of the size of the house, requiring the size of the infiltration to match the house footprint. Mr. Schreiter stated that they know that the infiltration area is, at its best, going to fail because of the nature of the geology. Mr. Schreiter questioned if the Engineer would guarantee that the stormwater facilities would not fail. Mr. Markell indicated that he could not make such guarantee. Mr. Schreiter stated that the standards are put in place to, as best as possible, protect the residents downstream, for the protection of the environment and any future occurrences. In that, Mr. Schreiter asked Mr. Uhl for his assurance, as the developer, that he will remain responsible.

Mr. Beck stated that per Mr. McNally's comment, Mr. Uhl's septic system is failing. Mr. Beck stated that he does not believe this system will work and cannot recommend approval of this Plan. Mr. Schreiter stated that the stormwater must be corrected and cleared because he will not put the Township in any financial situation. Mr. McKitish inquired if there will be any change to the Plan. Mr. Schock stated there will be no change with the respect to the stormwater. Attorney Ashley noted that the extension runs to the end of July.

Mr. Schock referenced Items #12, SALDO 10.4.2 and Item #13, SALDO 10.4.5, and discussion continued regarding the street extension of the cul-de-sac. Mr. Uhl inquired why he has to correct the street if it is not part of his development. Ms. Sopka gave Mr. Uhl a brief explanation and referred to SALDO 10.4.5, stating that it is specific to the requirement.

**A motion was made by Mr. McKitish, seconded by Mr. Hassick, as amended by Mr. Schreiter, the Planning commission voted 4-0 to recommend to the Board of Commissioners that the Township not accept the dedication of the road or the public utility aspect associated with the development including roads, stormwater management facilities, the potential impact and downstream liabilities, etc., due to not assuming the responsibility or cost to the Township. Mr. Licht, Mr. Hebelka and Mr. Snyder were not present for vote.**

**A motion was made by Mr. McKitish, seconded by Mr. Schreiter, the Planning Commission voted 4-0 to recommend to the Board of Commissioners not to approve the Plan based upon comments heard and various issues raised per SALDO requirements such as stormwater and downstream environmental impacts that have not been fully assessed, etc.**

**1600 Riverside Drive – Lehigh County Sketch Plan of Proposed Detox Center**

Present were Thomas M. Caffrey, Lehigh County Assistant Solicitor, Amit Mukherjee of Base Engineering, Darbe George, Lehigh County Drug and Alcohol Administrator, Lynn Kovatch, Lehigh County Director of Human Resources and Glenn Solt, Lehigh County Director of Capital Projects.

Mr. Tettermer highlighted the Township Engineer's review letter dated June 2, 2010 that includes 14 items to be reviewed, discussed and because it is a Detox Facility, the Sketch Plan must be approved as a Conditional Use by the Board of Commissioners. The Sketch Plan must also be submitted to Township Police, Fire Chiefs and Emergency Medical Officials for review and input. Mr. Tettermer stated that in conclusion of his review, this is for information only and because it is a Sketch Plan no action is required by the Planning Commission.

Ms. Sopka highlighted her comment review letter dated June 1, 2010 and concurred with the Township Engineer's review letter. Ms. Sopka inquired if the LVPC received a copy of the application per SALDO requirements. She stated that no recommendation can be made by the Planning Commission until a written report is received from the LVPC review.

Ms. Sopka stated that, per her review, it is the determination that the proposed use of a medical detoxification center is not a permitted use in the Industrial Zoning District since it constitutes a medically based facility. As referenced in the project summary, it requires medical staffing and medical detoxification; therefore, is similar to a hospital facility. Attorney Caffrey stated that the County's position is that it is defined within the definition of a treatment center and believes it is a permitted use.

Mr. Beck stated that when the County Treatment Center originally opened, it was to be a prison only for those who did not pay child support. Again, the County continues to return for more and more. Mr. Beck stated that he believes the persons occupying the facility are criminals. Attorney Caffery stated that some are criminals and some are not. Mr. Beck inquired if this will be a secured facility. He was advised it is a non-secured facility.

Mr. Beck inquired who the facility will treat. Mr. Solt stated that it would be for residents of the surrounding counties and surrounding states, including West Virginia, Maryland, Delaware, Ohio, New York and New Jersey.

Ms. George, Lehigh County Drug and Alcohol Administrator, gave a brief review of what the facility is. She stated that based on the criteria from the PA Department of Health and the level of care provided, it is determined that this facility is a nonhospital facility.

Mr. Beck stated that the County is profiting from these facilities and the Township is not. Mr. Beck stated that the County will make a profit because they will continue to bring (detox) people in from different areas/states to fill the facility because locally, it cannot be filled. Mr. Solt stated that the County is in need for this type of facility and believes it is the most appropriate location in Lehigh County.

Mr. Schreiter stated that he is not objecting to the need of the facility, but how much more Salisbury Township can take financially? Mr. Schreiter referred to tax exempt corporations such as Lehigh Valley

Hospital, Kids Peace and the Treatment Facility. Mr. Solt respectfully stated the question is if what the County is proposing is permitted or not. Mr. Schreiter stated that he understood the question, but a line needs be drawn with the non-taxable institutions for this small Township.

Mr. Tettermer inquired if a brief explanation of the lease agreement be given. Mr. Solt stated it would be a County owned facility and services would be contracted to White Deer Run Inc. per the submitted proposal. Discussion continued and Mr. Tettermer inquired that since it is County owned, is it a taxable facility? Mr. Solt stated that it is a for-profit entity providing services; therefore, it may be taxable. There are fees to the residents for services rendered based on requirements of the State Liability Graph.

Mr. McKitish inquired other facilities that White Deer Run, Inc. operates, and how many are co-located with correctional facilities. Because this is minimum security, Mr. McKitish stated his concern about the proximity between the detox facility and treatment center and believes with co-located facilities it could cause for internal dynamics requiring Township Police intervention. He requested White Deer Run, Inc. history be provided.

Ms. Kovatch stated that the facility will be licensed by the State Department of Health and they will do the research for similar facility co-located in regard to their proposal.

Mr. Beck raised the question concerning St. Luke's Hospital's planned improvements to Riverside Drive. Mr. Tettermer stated that the purpose of the road, as designed, is to help eliminate traffic congestion for the Third Street and Broadway Intersection. Discussion continued, and per Mr. Tettermer, at this time, there are no plans to extend or improve Riverside Drive.

In regard to the fencing, Mr. Tettermer cautioned county officials about the proposal including the removal of the fence and the perimeter of the ring road. He stated that this will require review and comment from Police and Emergency Medical personnel.

A small discussion continued regarding the fact that the present Work Release Treatment Center is regulated by the Department of Corrections, while the proposed medical facility will be regulated by the Department of Health. Ms. Sopka referenced SALDO, stating that it is a medical detoxification facility, and was concluded, per Mr. Schreiter, stating that it must go before the Zoning Hearing Board to see if it is a permitted use.

#### **OTHER BUSINESS**

None

#### **ADJOURNMENT**

On motion of Mr. Beck, the Planning Commission voted to adjourn the meeting. Meeting adjourned.